[TRIAL OF HENRY WIRZ] COLL.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 23.

TRIAL OF HENRY WIRZ.

LETTER

FROM

THE SECRETARY OF WAR AD INTERIM,

IN ANSWER TO

A resolution of the House of April 16, 1866, *transmitting a summary of the trial of Henry Wirz.*

DECEMBER 7, 1867.—Referred to the Committee on the Judiciary and ordered to be printed.

WAR DEPARTMENT,
Washington City, December 5, 1867.

SIR: In compliance with a resolution of the House of Representatives, dated April 16, 1866, I have the honor to send herewith a summary of the proceedings, &c., of the trial of Henry Wirz.

Very respectfully, your obedient servant,

U. S. GRANT,
Secretary of War ad interim.

Hon. S. COLFAX, *Speaker of the House of Representatives.*

THE TRIAL OF HENRY WIRZ.

[Prepared in the office of the Adjutant General United States army, in accordance with the following resolution of Congress:]

THIRTY-NINTH CONGRESS—FIRST SESSION.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, April 16, 1866.

On motion of Mr. GARFIELD,

Resolved, That the Secretary of War be requested to have prepared for publication the proceedings of the trial of Henry Wirz, in which shall be embraced, as nearly as practicable in the language of the witnesses, a summary of the testimony given, and the decisions, findings, and sentence of the court, together with the address of the judge advocate, and that made in defence of the prisoner.

Attest:

EDWARD McPHERSON, *Clerk.*

PLAN OF THE WORK.

The entire testimony taken upon the trial of Henry Wirz is set forth in the following pages. It is arranged in narrative form for the sake of compactness and as being more easily read, the exact language of each witness being given as nearly as practicable. In cases where the meaning of a witness is doubtful or his answer evasive, and also where the testimony is of great importance, the questions and answers have been given.

The testimony of the witnesses is given in the order in which it occurs in the original record. Most of the witnesses have been examined upon many separate and distinct points, and it has been deemed advisable to gather the entire testimony of a witness upon each subject under a suitable heading in the examination in chief, and also in the cross-examination. The reader can, by reference to the index of testimony, ascertain at once the entire testimony upon each allegation set forth in the charges and specifications, and by turning to the page therein indicated find under its suitable heading that which he may select for perusal.

THE COMPILER.

Proceedings of a military commission, convened at Washington, D. C., by virtue of the following order:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, August 23, 1865.

[Special Orders No. 453.]

[Extract.]

* * * * * * * * *

3. A special military commission is hereby appointed to meet in this city at 11 o'cock a. m., on the 23d day of August, 1865, or as soon thereafter as practicable, for the trial of Henry Wirz, and such other prisoners as may be brought before it.

DETAIL FOR THE COMMISSION.

Major General L. Wallace, United States volunteers.
Brevet Major General G. Mott, United States volunteers.
Brevet Major General J. W. Geary, United States volunteers.
Brevet Major General L. Thomas, Adjutant General United States army.
Brigadier General Francis Fessenden, United States volunteers.
Brigadier General E. S. Bragg, United States volunteers.
Brevet Brigadier General John F. Ballier, colonel ninety-eighth Pennsylvania volunteers.
Brevet Colonel T. Allcock, lieutenant colonel fourth New York artillery.
Lieutenant Colonel J. H. Stibbs, twelfth Iowa volunteers.
Colonel N. P. Chipman, additional aide-de-camp, judge advocate of the commission, with such assistants as he may select, with the approval of the Judge Advocate General.

The commission will sit without regard to hours.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant General.

WASHINGTON, D. C.,
Wednesday, August 23, 1865.

The commission met at 11 o'clock a. m.

All the members named in the foregoing order and the judge advocate being present, the commission proceeded to the trial of Henry Wirz, who, having

been brought before the commission, and having heard the order convening it read, was asked whether he had any objection to any member named therein, to which he replied in the negative.

The judge advocate then laid before the commission the correspondence requesting the services of Major A. A. Hosmer as assistant judge advocate, and the approval of the Judge Advocate General of such selection.

The members of the commission were then duly sworn by the judge advocate, and the judge advocate and assistant judge advocate were duly sworn be the president of the commission respectively in the presence of the accused.

Henry G. Hayes, D. Wolfe Brown, and William Hinks were duly sworn by the judge advocate as reporters to the commission.

The accused was then duly arraigned on the following charges and specifications:

CHARGES AND SPECIFICATIONS.

CHARGE I. Maliciously, wilfully, and traitorously, and in aid of the then existing armed rebellion against the United States of America, on or about the first day of March, A. D. 1864, and on divers other days between that day and the tenth day of April, 1865, combining, confederating, and conspiring together with John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others unknown, to injure the health and destroy the lives of soldiers in the military service of the United States, then held and being prisoners of war within the lines of the so-called Confederate States and in the military prisons thereof, to the end that the armies of the United States might be weakened and impaired; in violation of the laws and customs of war.

Specification.—In this: that he, the said Henry Wirz, did combine, confederate, and conspire with them, the said John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others whose names are unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States, maliciously, traitorously, and in violation of the laws of war, to impair and injure the health and to destroy the lives, by subjecting to torture and great suffering, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter and to the dews and burning sun of summer, by compelling the use of impure water and by furnishing insufficient and unwholesome food, of large numbers of federal prisoners, to wit, the number of thirty thousand, soldiers in the military service of the United States of America, held as prisoners of war at Andersonville, in the State of Georgia, within the lines of the so-called Confederate States, on or before the first day of March, A. D. 1864, and at divers times between that day and the tenth day of April, A. D. 1865, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might be aided and comforted; and he, the said Henry Wirz, an officer in the military service of the so-called Confederate States, being then and there commandant of a military prison at Andersonville, in the State of Georgia, located by authority of the so-called Confederate States, for the confinement of prisoners of war, and as such commandant, fully clothed with authority, and in duty bound to treat, care, and provide for such prisoners held as aforesaid, as were or might be placed in his custody, according to the law of war, did, in furtherance of such combination, confederation, and conspiracy, and incited thereunto by them, the said John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others whose names are unknown, maliciously, wickedly, and traitorously confine a large number of such prisoners of war, soldiers in the military service of the United States, to the amount of thirty thousand men, in unhealthy and unwholesome quarters, in a close and small area of ground, wholly inadequate to their wants and destructive to their health, which he well knew and intended; and while there so confined, during the time

aforesaid, did, in furtherance of his evil design, and in aid of the said conspiracy, wilfully and maliciously neglect to furnish tents, barracks, or other shelter sufficient for their protection from the inclemency of winter and the dews and burning sun of summer; and with such evil intent did take and cause to be taken from them their clothing, blankets, camp equipage, and other property of which they were possessed at the time of being placed in his custody; and with like malice and evil intent, did refuse to furnish or cause to be furnished food, either of a quality or quantity sufficient to preserve health and sustain life; and did refuse and neglect to furnish wood sufficient for cooking in summer, and to keep the said prisoners warm in winter, and did compel the said prisoners to subsist upon unwholesome food, and that in limited quantities entirely inadequate to sustain health, which he well knew; and did compel the said prisoners to use unwholesome water, reeking with the filth and garbage of the prison and prison guard, and the offal and drainage of the cook-house of said prison, whereby the prisoners became greatly reduced in their bodily strength, and emaciated and injured in their bodily health; their minds impaired and their intellects broken; and many of them, to wit, the number of ten thousand, whose names are unknown, sickened and died by reason thereof, which he, the said Henry Wirz, then and there well knew and intended; and so knowing and evilly intending, did refuse and neglect to provide proper lodgings, food or nourishment for the sick, and necessary medicine and medical attendance for the restoration of their health, and did knowingly, wilfully, and maliciously, in furtherance of his evil designs, permit them to languish and die from want of care and proper treatment; and the said Henry Wirz, still pursuing his evil purposes, did permit to remain in the said prison, among the emaciated sick and languishing living, the bodies of the dead, until they became corrupt and loathsome, and filled the air with fœtid and noxious exhalations, and thereby greatly increased the unwholesomeness of the prison, insomuch that great numbers of said prisoners, to wit, the number of one thousand, whose names are unknown, sickened and died by reason thereof; and the said Henry Wirz, still pursuing his wicked and cruel purpose, wholly disregarding the usages of civilized warfare, did at the time and place aforesaid maliciously and wilfully subject the prisoners aforesaid to cruel, unusual and infamous punishment upon slight, trivial, and fictitious pretences, by fastening large balls of iron to their feet, and binding large numbers of the prisoners aforesaid closely together with large chains around their necks and feet, so that they walked with the greatest difficulty; and being so confined were subjected to the burning rays of the sun, often without food or drink for hours and even days; from which said cruel treatment large numbers, to wit, the number of one hundred, whose names are unknown, sickened, fainted, and died: and he, the said Wirz, did further cruelly treat and injure said prisoners, by maliciously confining them within an instrument of torture called "the stocks," thus depriving them of the use of their limbs, and forcing them to lie, sit, and stand for many hours without the power of changing position, and being without food or drink, in consequence of which many, to wit, the number of thirty, whose names are unknown, sickened and died: and he, the said Wirz, still wickedly pursuing his evil purpose, did establish and cause to be designated within the prison enclosure containing said prisoners, a "dead line," being a line around the inner face of the stockade or wall enclosing said prison, and about twenty feet distant from and within said stockade; and having so established said dead line, which was in many places an imaginary line, and in many other places marked by insecure and shifting strips of boards nailed upon the tops of small and insecure stakes or posts, he, the said Wirz, instructed the prison-guard stationed around the top of said stockade to fire upon and kill any of the prisoners aforesaid who might touch, fall upon, pass over, or under, or across the said "dead line;" pursuant to which said orders and instructions, maliciously and needlessly given by said Wirz, the said prison-guard did fire upon and kill a large number of said prisoners, to wit,

the number of about three hundred; and the said Wirz, still pursuing his evil purpose, did keep and use ferocious and bloodthirsty beasts, dangerous to human life, called bloodhounds, to hunt down prisoners of war aforesaid, who made their escape from his custody, and did then and there wilfully and maliciously suffer, incite, and encourage the said beasts to seize, tear, mangle, and maim the bodies and limbs of said fugitive prisoners of war, which the said beasts, incited as aforesaid, then and there did, whereby a large number of said prisoners of war, who during the time aforesaid made their escape and were recaptured, and were by the said beasts then and there cruelly and inhumanly injured, insomuch that many of said prisoners, to wit, the number of about fifty, died: and the said Wirz, still pursuing his wicked purpose, and still aiding in carrying out said conspiracy, did use and cause to be used for the pretended purposes of vaccination, impure and poisonous vaccine matter, which said impure and poisonous matter was then and there, by the direction and order of said Wirz, maliciously, cruelly, and wickedly deposited in the arms of many of said prisoners, by reason of which large numbers of them, to wit, one hundred, lost the use of their arms, and many of them, to wit, about the number of two hundred, were so injured that they soon thereafter died: all of which he, the said Henry Wirz, well knew and maliciously intended, and in aid of the then existing rebellion against the United States, with a view to assist in weakening and impairing the armies of the United States, and in furtherance of the said conspiracy and with the full knowledge, consent, and connivance of his co-conspirators aforesaid, he the said Wirz then and there did.

CHARGE II.—Murder, in violation of the laws and customs of war.

Specification 1.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the eighth day of July, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, wilfully, and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol, called a revolver, then and there loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz, in his hand there and then had and held, to, against, and upon a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, then and there feloniously, and of his malice aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier thereafter, to wit, on the ninth day of July, A. D. 1864, died.

Specification 2.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of September, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, wilfully, and of his malice aforethought, did jump upon, stamp, kick, bruise, and otherwise injure, with the heels of his boots, a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, of which said stamping, kicking, and bruising, maliciously done and inflicted by the said Wirz, he, the said soldier, soon thereafter, to wit, on the twentieth day of September, A. D. 1864, died.

Specification 3.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville,

in the State of Georgia, on or about the thirteenth day of June, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol, called a revolver, then and there loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz in his hand there and then had and held to, against, and upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, then and there, feloniously and of his malice aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier immediately, to wit, on the day aforesaid, died.

Specification 4.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the thirtieth day of May, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol, called a revolver, then and there loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz in his hand there and then had and held to, against, and upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's custody as a prisoner of war, whose name is unknown, then and there, feloniously and of his malice aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier, on the thirtieth day of May, A. D. 1864, died.

Specification 5.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of August, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did confine and bind, with an instrument of torture called "the stocks," a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, in consequence of which said cruel treatment, maliciously and murderously inflicted as aforesaid, he, the said soldier, soon thereafter, to wit, on the thirtieth day of August, A. D. 1864, died.

Specification 6.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the first day of February, 1865, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did confine and bind within an instrument of torture called "the stocks," a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, in consequence of which said cruel treatment, maliciously and murderously inflicted as aforesaid, he, the said soldier, soon thereafter, to wit, on the sixth day of February, A. D. 1865, died.

Specification 7.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the

State of Georgia, on or about the twentieth day of July, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did fasten and chain together several persons, soldiers belonging to the army of the United States, in his, the said Henry Wirz's, custody as prisoners of war, whose names are unknown, binding the necks and feets of said prisoners closely together, and compelling them to carry great burdens, to wit, large iron balls chained to their feet, so that in consequence of the said cruel treatment inflicted upon them by the said Henry Wirz as aforesaid, one of said soldiers, a prisoner of war as aforesaid, whose name is unknown, on the twenty-fifth day of July, A. D. 1864, died.

Specification 8.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the fifteenth day of May, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, wilfully, and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Henry Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the musket aforesaid, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 9.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the first day of July, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 10.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of August, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, and in pursuance of said

order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 11.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the 1st day of July, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did cause, incite, and urge certain ferocious and bloodthirsty animals, called bloodhounds, to pursue, attack, wound, and tear in pieces a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, and in consequence thereof the said bloodhounds did then and there, with the knowledge, encouragement, and instigation of him, the said Wirz, maliciously and murderously given by him, attack and mortally wound the said soldier, in consequence of which said mortal wound he, the said prisoner, soon thereafter, to wit, on the sixth day of July, A. D. 1864, died.

Specification 12.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twenty-seventh day of July, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his the said Henry Wirz's custody as a prisoner of war, whose name is unknown, and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which said mortal wound he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 13.—In this: that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the third day of August, A. D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States, for the confinement of prisoners of war, taken and held as such from the armies of the United States of America, while acting as such commandant, feloniously and of his malice aforethought, did make an assault upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's custody as a prisoner of war, whose name is unknown, and with a pistol called a revolver, then and there held in the hands of the said Wirz, did beat and bruise said soldier upon the head, shoulders and breast, inflicting thereby mortal wounds, from which said beating and bruising aforesaid, and mortal wounds caused thereby, the said soldier soon thereafter, to wit, on the fourth day of August, A. D. 1864, died.

By order of the President of the United States:

N. P. CHIPMAN,
Colonel and A. A. D. C., Judge Advocate.

RETIREMENT OF COUNSEL.

The prisoner being called on to plead to the foregoing charges and specifications, Mr. Hughes, on his behalf, applied for a postponement of the case in order to enable the accused to prepare for his defence. Mr. Hughes also announced that his professional connection with the case had ceased, and asked that the commission take that fact into consideration in connection with the application of the accused.

Mr. Peck also withdrew from the case.

The responsibility of appearing for the prisoner cast upon the judge advocate, he asked, on behalf of the prisoner, an adjournment until 12 o'clock on the 24th instant, which was granted.

OTHER COUNSEL ADMITTED.

WASHINGTON, D. C., *August* 24, 1865.

The commission met at 12 o'clock m.

Present, all the members, the judge advocate and assistant judge advocate, and the prisoner.

The proceedings of the last meeting were read and approved.

On application of the accused, Messrs. Louis Schade and O. S. Baker were permitted to appear as his counsel, having stated, in answer to the court, that they had each taken the oath of loyalty.

The JUDGE ADVOCATE called upon the prisoner to plead to the charges and specifications.

Mr. SCHADE applied to the commission to grant further time to the prisoner before calling upon him to plead, and asked a postponement of the trial for eight days.

The JUDGE ADVOCATE stated that no dilatory plea or plea in bar had been filed, and no issue joined. He would therefore insist that the prisoner should be called upon to plead.

The court, after deliberation, decided that the prisoner should plead immediately

The counsel for the accused then inteposed the following plea:

PLEA IN ABATEMENT AND TO JURISDICTION.

The defendant, Henry Wirz, protests that he ought not to be held or tried by this commission, or any longer kept in confinement by the United States authorities, but ought to be discharged from custody, because, he says that on the 26th day of April, A. D. 1865, he was an officer in the military service of the so-called Confederate States of America, and was included in the terms of the military convention hereinafter set forth. That upon the said 26th day of April, 1865, a military convention was entered into between Major General William T. Sherman, then commanding the United States forces in North Carolina, and the said General Joseph E. Johnston, commanding the forces of the so-called Confederate States of America, having for its object the surrender of the forces under the control of the said Johnston, by which convention it was agreed between the said commanding officers as follows:

All acts of war on the part of troops under General Johnston's command to cease from this date. All arms and public property to be deposited at Greensboro, and delivered to an ordnance officer of the United States army. Rolls of all the officers and men to be made in duplicate, one copy to be retained by the commander of the troops and the other to be given to an officer to be designated by General Sherman. Each officer and man to give his individual obligation in writing not to take up arms against the government of the United States until properly released from this obligation. The side-arms of officers and their private horses and baggage to be retained by them.

This being done, all the officers and men will be permitted to return to their homes, not to be disturbed by the United States authorities so long as they observe their obligation and the laws in force where they may reside.

That the terms of said convention have been complied with, and this defendant has at all times since been ready and willing, and now offers to give his individual obligation in writing not to take up arms against the United States government, but has been withheld from so doing by the action of the United States authorities in keeping this defendant in close confinement, and thus depriving him of all opportunity so to do.

That in pursuance of the terms of the said convention, all the military forces of the so-called Confederate States, under the control of the said Johnston, surrendered and capitulated, and thereby this defendent fell into the hands of the United States forces, and not otherwise. And this he is ready to verify; wherefore he prays that he may be hence discharged and allowed to return to his home, not to be disturbed by the United States authorities so long as he observes the obligations contained in the said convention and the laws in force where he resides.

The defendant, Henry Wirz, protests that he ought not to be held or tried by this commission, but ought to be discharged from custody, because, he says, that just before the time of his arrest he was at Andersonville, Georgia, in full enjoyment of his personal liberty, and that Captain Noyes, an officer on the staff of Brevet Major General Wilson, applied to him for information and records relating to the military prison at Andersonville, which he cheerfully consented to give; and thereupon said Captain Noyes, having competent authority so to do, promised him (said Wirz) that, if he would accompany the said Captain Noyes to the headquarters of General Wilson, to give such verbal information relative to said prison as General Wilson might desire, he should have safe conduct going and returning to his home, and should not be arrested or held as a prisoner; and that, relying upon the faith of the said promise, so made by said Captain Noyes, and induced thereby, the prisoner did accompany said Captain Noyes to the headquarters of General Wilson, without arrest, and without guard; and that, having arrived at said headquarters, he was, in violation of said promise and agreement, seized and put in close confinement, and sent to Washington, and has ever since been held, and is now held, in pursuance of the capture so made, and not otherwise; and this he is ready to verify, &c. Wherefore, he prays that this proceeding may be dispensed with, as to him, and that he may be released.

The defendant further says that he objects to, and denies the jurisdiction of this commission to try him for any offence whatever, and denies its jurisdiction to try him on the charges and specifications here exhibited against him, or any of them.

The prisoner pleads also—

1st. That this military commission has no jurisdiction over either his person or over the subject-matter of the charges and specifications, being a tribunal unauthorized by either statute, military law, martial law, or well-established usage.

2d. That he is a naturalized citizen of the United States; that he is not, and never has been, in the land or naval forces of the United States; that the United States are now at peace, both as to foreign and civil war; that the lately existing civil war is ended, and that no military jurisdiction or authority incident to a state of war alone can rightfully detain, try, or punish him.

The prisoner, Henry Wirz, further pleads and says that heretofore, to wit, on the twenty-first day of August, 1865, in the city of Washington and District of Columbia, he was arraigned and put in peril, on his plea of not guilty, which he put in upon charges, (an official printed copy of which is hereto annexed,) before a military commission constituted by the same authority as this one, and composed of the same members, with the exception that Major A. A. Hosmer, assistant judge advocate to this commission, was not assigned to duty with, nor a member of the said first commission, and that said charges include the charges now presented against him before this commission; that afterwards such pro-

ceedings were had, after the issue so joined, as aforesaid, that said first military commission was dissolved and broken up, without the consent or agency of him, the said Henry Wirz, and that the same has ceased to exist. Also, that said first commission, before its dissolution, to wit, on the twenty-second day of August, 1865, held a session, at which this defendant was not present, and adjourned without any time or day certain for reassembling.

The defendant further says that no record was made, to his knowledge, of the proceedings of said first commission, but that the facts above stated are personally known to every member of this commission; and that, if there is any record, it is known to them. These facts he is ready to verify by the record, if any exists, and by the oaths and evidence of the members of this commission, Major Hosmer excepted. He, therefore, says that, having once been put in jeopardy upon the same matters as now charged against him, he cannot lawfully or rightfully be tried or put to answer a second time therefor.

The said defendant, Henry Wirz, now comes and moves the court to quash the said several charges and specifications, and each and every one of them, because he says that said charges and specifications are, each and every one of them, so uncertain and indefinite, as to the time, place and manner of the offences therein alleged to have been committed, and the allegations concerning said alleged offences are so indefinite and vague, that this defendant ought not to be required to plead thereto.

And, for a further objection thereto, this defendant says that the said charges and specifications are insufficient in this, that they do not, any of them, charge any offence punishable under the laws of war.

[Signed, on behalf of the accused, by counsel.]

ARGUMENT THEREON.

Mr. SCHADE stated that the defence did not propose to discuss these pleas, but proposed to let them go over for final argument.

The JUDGE ADVOCATE remarked that, while the pleas in bar might be taken up and decided at any time, the plea alleging indefiniteness and vagueness of the charges should be decided before the hearing of the case was proceeded with, and he called upon the defence to proceed now with the argument of that plea.

Mr. SCHADE. Then we must ask for an adjournment until to-morrow, to enable us to prepare the argument.

The JUDGE ADVOCATE. The court has decided that the prisoner shall be called upon at this time to plead to the charges. A compliance with that order requires the plea against the charges to be settled now.

Mr. BAKER stated that, after the unusual delay in the trial of the case, he was almost inclined to consent to go on now; but he would not be doing his duty to the prisoner if he should go on now, and attempt to argue these pleas. He, therefore, hoped that the court would indulge counsel by letting the case go over till to-morrow.

The JUDGE ADVOCATE reminded the court that the leading counsel for the defence (Mr. Schade) had been present during the argument of precisely similar pleas that had been interposed on behalf of the accused.

Mr. BAKER took it for granted that the prisoner was neither to be acquitted nor convicted on any technical points, and he was, therefore, willing to have the plea as to the indefiniteness of the charges withdrawn, if the court would allow the defence to refer to the other pleas, that were not necessarily pleas in abatement. With that admission, the case might, perhaps, go on at once, without any further delay.

The JUDGE ADVOCATE. I am informed that counsel for the defence are will-

ing to take up the pleas at once and argue them, and then, after their being decided, let the prisoner plead.

Mr. BAKER. We propose to waive the argument of the pleas for the present, and put in a general plea of "not guilty," and go on with the trial.

The JUDGE ADVOCATE. Then I shall insist that the record show that the pleas are waived. The court ought to dispose of those pleas at this stage, or the counsel ought to abandon them. They ought not to go upon the record undisposed of; and I have been waiting for the counsel to determine the point, so that, if necessary, an issue could be made upon the pleas, by a demurrer to them for insufficiency. If the counsel waive the pleas altogether, then, of course, there is no necessity for troubling the court with the argument.

Mr. BAKER. We do not intend to withdraw the pleas. If the court is ready to pass upon these pleas, without further argument, we are prepared for that, and will then enter the plea of "not guilty," and go on with the case.

The JUDGE ADVOCATE stated that, if the counsel did not propose to press the pleas now, he would enter a demurrer to the pleas, on the ground of their insufficiency.

The PRESIDENT suggested that the pleas could be met by a motion, as well as by demurrer, and that the former was more in accordance with the practice of military courts.

The JUDGE ADVOCATE. Then I move that the motion to quash, and the several pleas, except the plea to the jurisdiction, be overruled, on the ground of insufficiency. As the counsel of the accused prefer to postpone the argument upon the question of jurisdiction, that question can go over for the present, without impeding the trial, or marring the harmony of the record.

I leave it for the court to decide whether I shall support this motion by submitting, now, an argument which I have, to some extent, prepared.

The commission, after deliberation, decided that the judge advocate should proceed with the argument of his motion.

The JUDGE ADVOCATE said that he did not consider it necessary to discuss the motion to quash the charges and specifications, on the ground of insufficiency and indefiniteness. That question had already been decided by the court, at one stage of its proceedings. The court would, no doubt, be able to determine, by an examination of the charges and specifications, whether they were sufficiently definite to meet the requirements of the law.

The next question was that raised by the plea setting out the fact that a court, consisting of the same members as this, has already taken cognizance of this case, had had the prisoner arraigned before them upon charges similar to those now preferred, and that the prisoner had pleaded "not guilty." It is alleged by the counsel that, by that proceeding, the prisoner has once, according to the contemplation of the Constitution, been put in jeopardy for the offences charged, and that, therefore, this court cannot proceed to try the prisoner.

In answer to this objection, the judge advocate said he did not deem it necessary to do more than read the following official opinion, given by the chief of the Bureau of Military Justice, the expounder, so far as the army is concerned, of all questions relating to military law:

JUDGE ADVOCATE GENERAL'S OFFICE,
October 23, 1864.

MAJOR: Your letter of the 17th instant has been received. In reply, I have to state that a party who has been arraigned before a court-martial on charges and specifications to which he has pleaded, should not, in the sense of the eighty-seventh article of war, be regarded as having been tried upon them, unless the government had pursued the case to a formal acquittal or conviction. Under the constitutional provision which declares that no person "shall be subject for

the same offence to be twice put in jeopardy of life or limb," it has been held that "the jeopardy spoken of can be interpreted to mean nothing short of the acquittal or conviction of the prisoner, and the judgment of the court thereon." (4 Wash. C. C. R., 409.) To the same effect are the opinions of McLean, J., in United States *vs.* Shoemaker, 2 McLean R., 114, and of Story, J., in United States *vs.* Perez, 9 Wheaton, 579. The courts of Massachusetts, New York, Illinois, Kentucky and Mississippi fully sustain this view. If anything less than a formal acquittal or conviction cannot be treated as having even put the party "in jeopardy," *a fortiori*, it cannot be held as amounting, within the meaning of the eighty-seventh article of war, to a "trial."

A withdrawal of any charge may be made by the judge advocate, with the assent of the court; and upon such charge, if the interests of public justice require it, the party may be again arraigned.

Very respectfully, your obedient servant,

J. HOLT,
Judge Advocate General.

Major J. M. WILLET,
Judge Advocate.

The JUDGE ADVOCATE remarked that under this decision the question raised might be considered as *res adjudicata*. He then continued his argument as follows:

Laying aside for the present the discussion of the plea to the jurisdiction, which may be properly taken up at any time during the trial, there seem to be but two questions seriously urged by counsel for the present consideration of the court. These are:

First. Shall this court dismiss the case at bar because Captain Noyes, a staff officer of Brevet Major General Wilson, violated, as is alleged, a promise made to this prisoner to grant him safe conduct to General Wilson's headquarters and back again to his home? And second, admitting that the prisoner complied with the terms exacted of rebel soldiers and officers by the Sherman and Johnston convention, does the agreement made by those generals absolve this prisoner from responsibility for offences and crimes in violation of the laws of war?

Supposing the promise and the circumstances under which it was given to be such as alleged by counsel, of which we as yet have no proof, the first point raised by the counsel seems to me to present simply a violation of compact or contract entered into between the prisoner and a staff officer of General Wilson, with which this court can have nothing to do. If a promise made by that officer to grant the prisoner a safe-conduct to and from any point has been violated, his remedy is upon General Wilson; and the circumstance ought not to be pleaded before this court in excuse of crimes previously committed by him. If General Wilson sent for the prisoner for any purpose whatever, promising him a safe return, and afterwards discovered that he was guilty of having committed most atrocious crimes, he was fully justified in revoking the safeguard by himself given, and taking immediate steps to bring the criminal to justice. A general always has the right to rescind his own order; and I think General Wilson would have found it difficult to answer to his superior officers if he had released from arrest, and allowed to return to his home, so great a criminal as the prisoner at the bar stands charged with being, rather than violate the promise set out in the plea. General Wilson had no power (and it is not alleged that he had) to absolve the prisoner from the responsibility attaching to his crime.

The books tell us of four special pleas in bar, which are good, if proved. These are former acquittal, former conviction, attainder, and pardon. Attainder, however, is, I believe, not known to the practice in this country. But I nowhere find that a special plea in bar is good when it simply alleges the violation of a promise by one who is not pretended to have possessed power to do more than

offer a safeguard, and which he was at any time at liberty to revoke. I suppose the gentlemen will not insist that a promise of safe-conduct works a general pardon or condonement of all past crimes. It sometimes happens that criminals turning "State's evidence," as it is called, are, by a sort of implied pledge made to them by the government, allowed to go unpunished, though, even in a case of this character, the government may, at its discretion, violate its pledge. But the plea involving the point now under discussion has not for its basis even an implied pledge of the government. It simply presents a case analogous to one where a police officer, arresting a criminal, says to him, "Come with me to the magistrate's office, and I will see that you are not injured;" the magistrate, upon an investigation, discovers the crime, and, as in duty bound, pays no regard whatever to the promise of the police officer, but at once takes steps for the proper trial and punishment of the offender. In such a case, would any court entertain seriously a plea that the prisoner should be discharged without trial because of the promise made to him by the officer who, in the first instance, made the arrest? It is not alleged that Captain Noyes acted upon instructions given him by the President of the United States, nor is it shown that he acted upon instructions even of General Wilson; but assuming the latter to be true, the case is similar to the illustration just given. I insist, therefore, that the plea is not good and should be overruled.

The second point and objection made by the counsel seems to present a question of more difficulty, yet, so far as the rights of this prisoner are concerned, it is quite as easily disposed of. The court must bear in mind that this plea, which is in the nature of a plea in bar, must contain one of the three elements already referred to. Former acquittal is not assumed, nor former conviction. There remains, then, only the plea based upon pardon, and I suppose it is under this head that the counsel hope, if at all, to secure a lodgment for their plea. If members will turn to Archibald's Criminal Pleading, page 87, they will discover that a plea in bar of this class must set out in terms the pardon granted, which the plea here filed does not pretend to do; and on page 357, Wharton's Criminal Law, it will be found that the pardon must correctly recite the offence, and a misrecital will render it inoperative. The plea, therefore, is bad.

But I suppose counsel will insist that the agreement entered into between General Sherman and General Johnston may be construed to be in the nature of a general amnesty or pardon. It is not necessary for this court to determine the precise legal interpretation of the agreement cited. It will be quite enough if the court satisfy itself that that agreement does not affect its right to hold the prisoner at bar to answer for the crimes alleged. It is very certain from the action of the government contemporary with that agreement, and from the subsequent action of the Chief Executive, and the opinion of the Attorney General, officially expressed, that neither a treaty of peace, nor a general amnesty or pardon, nor a universal absolution of crimes committed by rebels during the war, entered into the terms of the capitulation required by General Grant of General Lee, and later, by General Sherman of General Johnston. It will be remembered that in the first convention between Generals Sherman and Johnston, a certain plan of settlement was agreed upon by them and forwarded to the President for his approval, and upon this plan General Sherman proposed to declare peace from the Potomac to the Rio Grande. It will be remembered, too, with what promptness the government disapproved the plan; and one of the chief objections was that the terms worked a general amnesty or pardon, and made the punishment of treason and treasonable offences impossible. One of the reasons assigned for the disapproval of that convention was in these words:

> It practically abolishes the confiscation laws and *relieves rebels of every degree, who have slaughtered our people, from all pains and penalties for their crimes.*

No language could more clearly show that the government had no intention to grant an implied pardon for such offences as those charged against this prisoner.

It will be remembered, too, that later, and since the war in the field practically ended, the Chief Executive has issued his amnesty proclamation, every paragraph of which demonstrates that he does not regard the agreement made by Generals Grant and Lee, and by Generals Sherman and Johnston, as working the pardon of any person coming within the terms of the agreement; and as the result of the President's interpretation, we know that the Executive Mansion is daily besieged from morning till night with applicants for pardon, embracing all ranks and grades of society, the enlisted soldier and the major general of the late rebel army, as well as the private citizen. It will be recollected, also, that a United States judge for the district of Virginia has, since the date of the agreement set out in the plea, charged the grand jury that it was their right and duty, notwithstanding that agreement, to inquire into the offence of treason committed by any person who had been engaged in rebellion against the United States government. It may be mentioned, also, that in a recent proceeding before the criminal court of this District, the Attorney General of the United States pronounced his official opinion that the rebellion is still existing. With these very clear indications of the view taken by the government, I submit that this court should proceed with the trial of the prisoner, overruling the plea.

Let me, however, illustrate the great danger there would be in giving to the agreement cited the latitude of construction insisted upon by counsel. Suppose that a private soldier of General Johnston's army had been the chief actor in the conspiracy which resulted in the assassination of the late President, (and I believe that one of the conspirators was shown to have been a rebel soldier,) and that having accomplished his purpose—having deprived the nation of its leader, and the army of its commander-in-chief—he had escaped, and returned, as he might have done, to General Johnston's army in time to be included in the terms of surrender; is it to be supposed that the terms of that capitulation would exempt the assassin from apprehension and trial for his atrocious crime? With just as little reason does the prisoner now before this court claim exemption from trial on the charges here preferred. He is charged with having engaged in wholesale murder, by starvation and other inhuman treatment, such as will shock the moral sensibilities of the civilized world—crimes of which neither General Sherman nor the President, at the time of the agreement cited, could have had any knowledge, and which could not therefore have been condoned by that agreement. And is it now to be said, when these atrocities have been fully brought to light since the date of the agreement, that the perpetrator of them is to be discharged from custody, and allowed to take his place again in society, with the right to demand the protection of the laws of the country? The proposition is too monstrous for serious consideration.

The most that could, with any plausibility, be claimed is that all acts of war committed by this prisoner as a belligerent, and coming within the usages of civilized warfare, may be considered as pardoned, but it cannot be admitted for one moment that anything short of a special pardon by the President of the United States, setting forth precisely the offences pardoned, can give exemption from trial for acts in violation of the laws and customs of civilized warfare, especially when they involve crimes so enormous and atrocious as those charged upon the prisoner here arraigned.

Mr. BAKER said, that, in the first place, the court must consider the fact that the prisoner was until recently an humble servant of the so-called "southern confederacy;" and it was in that capacity that he had charge of the Union prisoners.

It must be considered also that the prisoner is before the court not as a convicted criminal, but simply as a person charged with crime. It is not to be assumed that he is guilty of the atrocious acts cited by the judge advocate—

acts which may never be proved, and which, in the opinion of counsel, would never be proved.

The prisoner had been simply one of the instruments of an atrocious rebellion; and would any member of the court maintain that any lieutenant, or colonel, or major general in the United States service should be held accountable for every murder in violation of the laws of war, committed in his command, (unknown perhaps to him,) during the last four years? Counsel was ready to admit that if the prisoner were guilty of one-half the crimes charged upon him, he should suffer at the hands of a proper tribunal the penalty of the law.

The prisoner, if counsel had been correctly informed, had been invited to come within the Union lines, under a promise that he should have a safe conduct going and returning. His arrest, under such circumstances, was a violation of good faith and of the laws and usages of civilized war. The judge advocate had said that a commanding general had the right to revoke or set aside his own orders at any time; but would this court consider that a major general in the service of the United States would be deserving of his stars, if he should entice within his lines an humble servant of the so-called "confederacy," under a promise that he should be allowed to return safely, and should then, in violation of that promise, hold him as a prisoner and try him for murder? Surely the position of the judge advocate could not be sustained by any authorities which would be recognized by this court; therefore this prisoner is now held wrongfully.

As to the judge advocate's illustration of a criminal committed by a magistrate, in violation of a promise, the case was not analogous to the one here presented, because, in the first place, a magistrate would have no authority to make such a promise, and, in the second place, he would have no right to discharge a criminal brought before him. But a commanding general, under the circumstances cited in the plea, would have the right to make a promise of the kind described, and when made, it would be his right and his duty to keep it.

As to the plea alleging the unconstitutionality of the present proceeding, on the ground that the prisoner has already been once arraigned and has pleaded, counsel did not deem it necessary to consume time in discussion of that question. Nor would he prolong the argument on the motion to quash the charges and specifications, as he had had no time to examine them critically. He would leave the decision of the question to the discretion of the court.

DECISION.

The court was cleared for deliberation; and when the doors were reopened, the decision of the court was announced, sustaining the motion of the judge advocate.

THE PRISONER PLEADS NOT GUILTY.

The prisoner then pleaded not guilty to each of the several charges and specifications.

The following rules, adopted by the commission for the government of its proceedings, were read:

RULES OF PROCEEDING.

I. The commission will hold its sessions in the following hours: Convene at 10 a. m., sit till 1 p. m., and then take a recess of one hour. Resume business at 2 p. m.

II. The prisoner will be allowed counsel, who shall file evidence of having taken the oath prescribed by act of Congress, or shall take said oath before being admitted to appear in the case.

III. The examination of witnesses shall be conducted, on the part of the government, by one judge advocate, and by one counsel on the part of the prisoner.

IV. The testimony shall be taken in short-hand by reporters, who shall first take an oath to record the evidence faithfully and truly, and not to communicate the same, or any part thereof, or any proceedings on the trial, except by authority of the presiding officer.

V. The argument of any motion will, unless otherwise ordered by the court, be limited to five minutes, by one judge advocate, and one counsel on behalf of the prisoner. Objections to the testimony will be noted on the record and decided upon argument, limited as above, on motion. When the testimony is closed, the case will be summed up by one counsel for the defence, and the argument shall be closed by the judge advocate.

VI. The lieutenant in charge of the guard will have the prisoner in attendance during the trial, and be responsible for his security. Counsel may have access to him in the presence but not in the hearing of the guard.

VII. The counsel for the prisoner will immediately furnish the judge advocate with a list of the witnesses required for the defence, whose attendance will be procured in the usual manner.

AUGUST 24, 1865.

LETTER OF WIRZ TO GENERAL WILSON.

MARK D. ROBINSON, for the prosecution:

Am employed as a clerk to this commission. The first time I met Captain Wirz was last Sunday, at the Old Capitol prison.

(A letter, dated Andersonville, Georgia, May 7, 1865, signed "Hy. Wirz, captain C. S. A.," was here handed to witness.)

I have seen that document. I showed it to him at that interview, and asked him if that was the letter which he had written to General Wilson, or a copy. He said that it was the letter which he had sent; and he went on to explain that he wrote a letter and had it copied; that that was the copy, and that he sent it instead of sending the original. He said that was the letter that was sent at his direction. The prisoner did not read all of the letter; he sketched over it pretty carefully. I requested him three times to read it, so as to be sure.

The JUDGE ADVOCATE offered the letter in evidence.

Counsel for the accused ojected to its reception, on the ground that the original document must be produced or its absence satisfactorily accounted for, and that the evidence showed this letter to be a copy.

The court overruled the objection.

The following letter was then read and put in evidence:

ANDERSONVILLE, GA., *May* 7, 1865.

GENERAL: It is with great reluctance that I address you these lines, being fully aware how little time is left you to attend to such matters as I now have the honor to lay before you, and if I could see any other way to accomplish my object I would not intrude upon you. I am a native of Switzerland, and was before the war a citizen of Louisiana, and by profession a physician. Like hundreds and thousands of others, I was carried away by the mælstrom of excitement and joined the southern army. I was very seriously wounded at the battle of "Seven Pines," near Richmond, Virginia, and have nearly lost the use of my right arm. Unfit for field duty, I was ordered to report to Brevet Major General John H. Winder, in charge of federal prisoners of war, who ordered me to take charge of a prison in Tuscaloosa, Alabama. My health failing me, I applied for a furlough and went to Europe, from whence I returned in February, 1865. I was then ordered to report to the commandant of the military prison at Andersonville, Georgia, who assigned me to the command of the interior of the prison. The duties I had to perform were arduous and unpleasant, and I am satisfied that no man can or will justly blame me for things that happened here, and which were beyond my power to control. I do not think that I ought to be held responsible for the shortness of rations, for the overcrowded state of the prison, (which was of itself a prolific source of fearful mortality,) for the inadequate supplies of clothing, want of shelter, &c., &c. Still I now bear the odium, and men who were prisoners have seemed disposed to wreak their vengeance upon me for what they have suffered—I, who was only the medium, or, I may better say, the tool in the hands of my

superiors. This is my condition. I am a man with a family. I lost all my property when the federal army besieged Vicksburg. I have no money at present to go to any place, and, even if I had, I know of no place where I can go. My life is in danger, and I most respectfully ask of you help and relief. If you will be so generous as to give me some sort of a safe conduct, or, what I should greatly prefer, a guard to protect myself and family against violence, I should be thankful to you; and you may rest assured that your protection will not be given to one who is unworthy of it. My intention is to return with my family to Europe, as soon as I can make the arrangements. In the mean time I have the honor, general, to remain, very respectfully, your obedient servant,

HY. WIRZ, *Captain C. S. A.*

Major General J. H. WILSON, U. S. A.,
Commanding Macon, Georgia.

Cross-examined by COUNSEL:

The prisoner was in the Old Capitol prison when I had this conversation with him. I was sent there to serve on him a copy of the charges and specifications last Sunday afternoon. I took the letter there to ascertain if it was a copy or the original. The judge advocate gave it to me. The prisoner did not read all of the letter; he just sketched over it very carefully. By that I mean he would read a few lines, and then skip a few lines. I supposed he was reading it; he looked at it, but did not read it aloud. I cannot swear positively that he did anything more than simply look at it; but to the best of my knowledge I think he read parts of it.

AUGUST 24, 1865.

Captain HENRY E. NOYES, for the prosecution:

Am captain, United States cavalry, aide-de-camp to Major General Wilson.

(The letter of Wirz to General Wilson was here handed to the witness.)

I have seen it before at the headquarters of General Wilson. It did not come to those headquarters in regular course of mail. An officer was sent from headquarters to Andersonville, and he brought back this paper, which was found among the papers of Captain Wirz's office. This is the signature of General Wilson on the indorsement.

Cross-examined by COUNSEL:

I was at the Lanier House, Macon, Georgia, when that letter first came into my hands. It was handed to me to read by General Wilson or his adjutant general. I read it and handed it back to the person who gave it to me. It was somewhere about the first of May last. I do not know of my own knowledge how it came into the hands of the person who gave it to me, only as I was informed. I know that the officer was detailed to go for it, and that he brought it. I saw the letter again within a week or two afterwards; it was delivered to me by General Wilson's adjutant general at the same place. I put it into my pocket and brought it to this city. I delivered it to General Townsend, assistant adjutant general United States army. I never saw it after that until yesterday. I never saw the accused write, and cannot say that this letter is in his handwriting.

SEPTEMBER 19, 1865.

Recalled for the prosecution:

THE ARREST OF WIRZ AND THE ALLEGATION THAT THE GOVERNMENT HAD PROMISED HIM PROTECTION.

The JUDGE ADVOCATE stated that he had recalled the witness for the purpose of examining him as to a matter set out in a plea filed by the counsel who first appeared for the defence, and reiterated by the counsel who now represented the accused: that was, the allegation that the government had pledged its faith to the prisoner that he should not be prosecuted nor injured if he would go to Macon, to General Wilson's headquarters. He (the judge advocate) wished to explode that idea now, and that was his only purpose in calling the witness.

The COUNSEL for the accused stated he attached very little importance to that point.

The WITNESS. I was on duty at Macon from the 20th of April, 1865, till about the 20th of May, when I came to Washington with Captain Wirz and the records of the Andersonville prison. I returned to Macon, arriving there in July, and I have come back here in answer to a subpœna.

About the first or second of May, 1865, I was ordered by General Wilson to Alabama to take the news of the repudiation of the Sherman armistice to our forces in Alabama, the nearest command being that of General Grierson, at Eufaula. On my way there I passed through Andersonville, where the train, a special one, stopped to wood and water. I got out of the train there and walked around. I noticed a crowd collected, and saw a number of our men who had been prisoners there, very sick. They were evidently preparing to go to Macon, where General Wilson had ordered all the sick to be brought. I saw a number of officers and soldiers in confederate uniform, some of them appearing to have authority. Two or three of them had pieces of paper which they were presenting to the sick men to sign. That first attracted my attention casually. Finally I got upon the train, and, as it was about to start, I heard a remark that attracted my attention. It was to this effect: "Hurry up and sign these paroles, or you'll die here anyhow." I looked out of the window and saw Captain Wirz. I could not swear that he made the remark which I heard, but I have heard his voice since, and I think it was his voice. As neither Captain Wirz nor anybody at Andersonville could have known that the armistice was repudiated, and as it was evident that they were paroling our sick men, I was on the point of getting out of the cars to remonstrate on the subject, when the whistle blew and the train started off. The sick men there were mostly so sick that they had to have men supporting them on each side. Very few of them, if any, could write their names, but simply touched the pen as the paper was presented to them.

When I got back to Macon, I reported to General Wilson what I had seen, who told me I must go there again and arrest Captain Wirz. I left that day or the next, about the 6th of May, and took a party of men with me. As I had to stay over night, and as there were no accommodations at Andersonville, I went on to Americus, about ten miles beyond, where I remained over night, coming back to Andersonville on a freight train next morning. There I accomplished my mission, that is, I arrested Captain Wirz, and gathered together all the records which I thought important, excepting the hospital records. These I did not take because Dr. Roy said they were not yet complete, and that if I would send him down some clerks he would see that they were completed. This I agreed to do.

The immediate circumstances of Captain Wirz's arrest were these: I went to his house and saw him there; the family were about him, that is his wife and two daughters. It is a very hard thing to take a man from his family, and particularly so in that case, as Mrs. Wirz and one of the daughters at least were crying and having considerable trouble. To pacify them and to do the thing as quietly as I could, I told Mrs. Wirz, and also told the captain, that they need not distress themselves at all; that on his arrival at Macon, if General Wilson was satisfied that he had done no more than his duty, and had simply acted in accordance with his orders, he would probably be released. That was the sum and substance of the conversation. General Wilson did not direct me to make any promise to the prisoner, or to give him any safe conduct, and I do not consider that I did.

He was conveyed to Macon under guard, and remained there under guard; he was not on parole at all. I have no doubt that my conversation might have been construed, by those who were very anxious that it should be so, into a promise that he would be returned, but I had no doubt in my mind that General

Wilson would hold him as a prisoner. I intended to convey to him no promise of safe return, but merely intended to pacify his family and himself; he was very much excited. These are all the circumstances which I remember, particularly connected with the arrest.

He remained under our headquarter guard until about the 20th of May, when I was ordered to convey him to Washington, with all the Andersonville records, including the hospital records, which General Wilson had sent an officer for, and the flags which General Wilson had captured in his campaign through Alabama and Georgia. I had trouble all the way till we came north of the Ohio river, on account of our men who had been at Andersonville recognizing the prisoner. I have read in the newspapers that I endangered my life to protect him. There is a misconception on that point, but I do not think the prisoner could have got here alive if there had not been an officer in charge of the party. At Chattanooga, where I was stopping temporarily, I sent him to the post prison to be taken care of, as I knew that outside of that he would collect a great crowd. He had on good, fair-looking confederate clothes, and a hat, and was pretty decently dressed generally. When I saw him again I hardly knew him; all his clothes were stripped off him, he had only a part of his hat, no coat, a very dirty shirt, a portion of a pair of pants pretty badly torn, and shoes. Whenever I got him where there were any of our soldiers I had to hurry him off and get him under a strong guard in order to save him. I had trouble in getting him on board the boat at Nashville. I think that but for the guard I had, and my personal presence, they would have taken hold of him there, and if they had got hold of him I do not suppose he would ever have reached Washington. He was afterwards disguised.

The COUNSEL for the accused here remarked that he did not see the use of going into this, that all that may be admitted.

The JUDGE ADVOCATE replied: If you admit it, and instruct your organs all over the country to do it, I will be very glad. I feel it a duty which I owe to the government to get out these facts.

Mr. BAKER. I have no organs but myself.

The JUDGE ADVOCATE. I do not want to state to the court what I know about that.

The WITNESS resumed: At Louisville he still had his extremely dilapidated appearance, which, if there was nothing else, would have attracted attention. He said that he had some friends there. Between those friends any myself we succeeded in getting a complete suit of black and a beaver hat. He had also his face shaved clean, which entirely altered his appearance, so much so that we were not troubled at all after that. I do not think he was recognized after that, although a good many soldiers must have seen him, particularly at Cincinnati.

Cross-examined by COUNSEL:

I did not take Captain Wirz to General Wilson in person. I took him to General Wilson's headquarters and put him under guard there. I then reported to General Wilson that I had arrived with my prisoner and a portion of the records. I am pretty certain that the general had not seen him at that time.

AUGUST 24, 1865.

THE PRISON—WIRZ ITS COMMANDER.

Colonel GEORGE C. GIBBS, for the prosecution:

I reside in Florida, and have been in the confederate army during the last four years, holding the rank of colonel at the close of my service. I was on duty at Andersonville as commander of the post at one time.

(A paper was here handed to the witness.)

It is the original order assigning me to duty.

(The following order was then read and put in evidence:)

[General Orders No. 83.]

CAMP SUMTER, ANDERSONVILLE, GEORGIA,
October 9, 1864.

1. Colonel G. C. Gibbs is hereby assigned to the command of the post at Camp Sumter, Andersonville, Georgia.

2. The prison and all federal prisoners at the post are under the immediate charge of the commander at the prison. No one will be permitted to enter the prison except on a pass from him. The commanding officer wishing to pass any one into the prison, will order the commanding officer of the prison to give the required pass.

By order of Brigadier General John H. Winder:

W. L. WINDER,
Assistant Adjutant General.

The witness was asked if he was familiar with the handwriting of Henry Wirz, to which he replied that he was.

A pass was handed to him and he was requested to state whether the signature was Wirz's. He replied that he believed it to be his signature.

(The following pass was then put in evidence:)

HEADQUARTERS CONFEDERATE STATES MILITAEY PRISON,
Camp Sumter, Georgia, September 6, 1864.

W. B. Lennox has permission, until further orders, to go to hospital and return to chief surgeon's office.

H. WIRZ,
Captain, Commanding Prison.

Ths maps of the prison ground at Andersonville were shown to witness. He stated that they were correct as far as he could judge.

The maps were then put in evidence.

The WITNESS resumed: One of my duties as commandant of the post was to make requisitions for the guard required by the officer commanding the prison, and to turn the guard over to him, and to order the issue of commissary stores upon the requisition of the officer commanding the prison, Captain Wirz. The provision returns were in the ordinary form, signed by Captain Wirz, as commanding the prison, and the issues were made by my orders. I had no control, whatever, of the prison. Captain Wirz had exclusive control of the prison while I was there; I had nothing whatever to do with the police regulations or military discipline of the prison; Captain Wirz had. The order assigning me to duty forbade me from having anything to do with the prison. Captain Wirz was in command of the prison when I went there, and I do not know whether he was ever relieved. In my absence sometimes he commanded the post, and in that case he might grant furloughs; I do not know whether he did it or not.

I once visited the prison at Andersonville before I was assigned to duty there. I think it was in August, 1864. Lieutenant Davis was in command then. Captain Wirz was sick, but was nominally commandant. It was about the middle of August, I believe. The prison was very much crowded. I did not go inside the stockade. I rode around it on three sides, I think, and could see into it from the batteries that commanded it. I never saw so many men together in the same space before—it had more the appearance of an ant-hill than anything else I can compare it to. I did not notice if the odor arising from it was offensive

THE AUTHORITY OF WIRZ OVER THE HOSPITAL.

There were surgeons who were attached to the prison hospital, and other surgeons who were attached to the confederate hospital. The surgeons in the prison hospital, while I was there, received their orders from Captain Wirz. I believe he had control of the prison hospital, but of the other he had not.

Q. Did you ever see him exercising that control?

A. I have seen orders which Captain Wirz has written to the surgeon of that hospital.

Q. Did you ever know him to interfere in any way with the hospital?

A. I never knew him to interfere with the medical treatment of the prisoners in the hospital. The only instance of interference I have ever known was the punishment of a paroled man, employed as a nurse, I think, who had failed to report the escape of a prisoner.

Q. What did Captain Wirz do with him?

A. The man was put in the "stocks" for a little while, till Dr. James interfered and demanded his release.

THE DEAD-LINE.

I know of there having been established a dead-line at the prison. I do not know if Captain Wirz had anything to do with the construction of it. Its object was to keep the prisoners from approaching the stockade. I cannot tell what Captain Wirz's orders were in regard to it. I presume there were orders, but do not know what they were. I never heard them. I never gave any, and I never heard Wirz give any. The existing regulation at all the military prisons I know of was that any one crossing the dead-line was to be shot; I believe that was the regulation at Andersonville.

THE STOCKADE.

I was not there when the stockade was erected. It was built of hewed timber that projected above ground I should say ten or eleven feet; I cannot state how deep it went under ground. It enclosed sixteen, seventeen, or eighteen acres of ground, with a stream running through it near the centre. There were several batteries round it, upon only two of which, I think, there were any guns mounted. The works were built as well for the security of the prisoners as to defend the place. The guns were twelve-pounder howitzers, six-pounder guns, and perhaps a small rifle piece or two. I do not think there were larger guns there than twelve-pounders. The dead line ran parallel with the stockade, and at a distance from it of about twenty feet. There was an outer stockade, and an attempt at a covered way still outside of that, leading from battery to battery, that never was completed; and I do not think the second line of stockade was entirely completed.

THE CONDITION OF THE PRISONERS—THE NUMBER OF DEATHS—AND THE NUMBER CONFINED THERE AT ONE TIME.

I rode and walked into the prison frequently while I was in command of the post. While I was there there were comparatively few prisoners in it. I do not think there were more than six or seven thousand at any time. They were badly off for clothing and badly off for shelter. Except as to that, I do not think they were suffering while I was at the post. I think Captain Wirz told me between twelve and thirteen thousand prisoners had died there. He told me that some time last spring, I think. I believe he was in command there about a year. He told me that there were thirty-three thousand confined there at one time. The extent of the prison was seventeen or eighteen or nineteen acres, including the stream of water.

GENERAL JOHN H. WINDER AND SONS.

I know General John H. Winder very well. I think he was at Andersonville several months. He left there in October, 1864. He commanded military prisons east of the Mississippi river. I cannot say to what extent the accused had official connection with General Winder; they were both at Andersonville together. I have known the accused to issue orders for transportation in the

name of General Winder, but do not know of his issuing any other orders in his name. I cannot say if they were both exercising control there.

I know Richard B. Winder. He was a quartermaster, and was on duty at one time at Andersonville. I found him on duty there in October, 1864. He left soon afterwards, and went to Camp Lawton, Millen, seventy-five miles from Savannah.

I know W. S. Winder. He was a captain, and his father's assistant adjutant general. He was on duty at Andersonville when I went there.

BY WHOM THE PRISON WAS LOCATED.

The two captains Winder located the prison, I think. I cannot speak with absolute certainty as to when it was located, but I think it was commenced in November or December, 1863. In January, 1864, I had some conversation with General Winder on the subject of that prison, and he told me that those two officers were down there locating a prison. He said that he had sent them.

DOCTOR WHITE.

I know Joseph White; he was a surgeon in the confederate army, and was on duty at Andersonville when I went there. He left soon afterwards for Millen. He was senior surgeon at Andersonville.

R. R. STEVENSON.

I know R. R. Stevenson; he was a surgeon there after Dr. White left. I think he was in charge of the hospital for a short time until a surgeon senior to him came.

THE DOGS.

I know that there were dogs kept at the prison. They were intended, on the escape of prisoners, to track them, so that they could be recaptured. They were used in that way. I do not know how they were subsisted, except in this; that after the prison became almost empty of prisoners, when there were none left but a few sick, the dogs were subsisted by corn meal furnished by the commissary. I heard they were mustered into the confederate service as horses, but I do not know of my own knowledge that they were. A man named Turner had them in charge; I do not know his given name, or what became of him.

INSTRUMENTS OF TORTURE.

I have seen at the prison an instrument called "the stocks." The prisoner did not tell me anything about the use of them; he never spoke to me about them at all. I do not know of any man being put in them, except the one of whom I spoke.

The prisoner never told me about any other instrument of torture or discipline used for the purpose of enforcing discipline. There was a ball and chain at the place. I have heard him speak of an instrument called the "chain gang." He said there had been such a gang at Andersonville.

Cross-examined by COUNSEL:

I think I went on duty at Andersonville about the 10th or 12th of October, 1864. I remained there until the 19th of April, 1865. Captain Wirz was there all the time that I was there, except one or two days when he was on leave of absence. He may have been sick for a few days, and off duty for that cause. I think it very likely. I was much his senior in rank. He was not under my command as far as the prison was concerned. I was in command of the post at Camp Sumter, Andersonville, Georgia. The order defines the two positions very distinctly. The commissaries and quartermasters, and the officers of the

confederate hospital were under my control. I had a right to call on the officer commanding the troops—who was, part of the time, a brigadier general—to furnish me such troops as Captain Wirz might require me to furnish to him. These troops were turned over to Captain Wirz, and were under his immediate command. The quartermaster and commissary were under my immediate command; none of them were under the authority of Captain Wirz in any way. The commissary furnished the prison with supplies of all descriptions. The prisoners did not draw clothing at all; there was an agreement between both governments that each should clothe its own men. The proper person to supply clothing would be the quartermaster, not the commissary. The quartermaster did not supply any prisoners with clothing that I know of.

I did not at any time exercise any control over the prisoners; that was none of my duty; I had no orders to give to Captain Wirz so far as the discipline of the prison was concerned; I can tell you cases wherein I might have given Captain Wirz orders, but I cannot tell you cases wherein I did give him any, If Captain Wirz attempted to give an order to a post officer under my command I would have forbidden him to do it; he had no right to do it any more than I had a right to interfere with him in the arrangement of his prison.

THE RATIONS.

The commissary supplied the provisions on the requisition of Captain Wirz; I know there was food enough to feed the troops and the prisoners there; I believe the rations issued to both were the same; that is my impression; I do not know it positively; I do not recollect what the rations were exactly.

Q. State what rations were furnished to the prisoners.

(The question was objected to by the judge advocate on the ground that nothing had been asked in the examination in chief about the rations.

The commission, after deliberation, overruled the objection.)

A. The ration was meat, (I cannot tell the quantity,) corn-meal, what we call peas, but what are here called beans, molasses or sirup, and in the hospital they got some flour.

Q. Did these rations vary or were they served all the time?

A. They ought not to have varied, but whether they did or not I do not know.

Q. Do you know whether they were generally served during the time you were there?

A. I know that requisitions were daily made during that time.

Q. Do you not know as to the quantity of the ration?

A. I do not.

Q. Can you tell us as to the quality?

A. I can only tell you this, that if the rations were unsound as issued, a board of survey would have been at once appointed to have condemned them.

Q. Do you know anything about Captain Wirz complaining several times to the board of survey?

A. He could not have complained to the board of survey, for there was none appointed.

The JUDGE ADVOCATE objected to this course of cross-examination, as it was in respect to new matter which was not touched in the direct examination.

The PRESIDENT. In overruling the last objection the court meant to convey the idea that the witness was adopted by the defence as its own witness.

Mr. BAKER. That suggestion had never been made.

The JUDGE ADVOCATE. This witness is subpœnaed by the defence.

Mr. BAKER. This witness is put upon the stand not by the defence, but by the government, and we have a right to cross-examine him on all points ramifying from those on which he was examined by the prosecution.

The court was cleared for deliberation, and on the doors being re-opened it was announced by the president that the understanding of the court, when it

permitted counsel to ask questions touching the rations, was that the defence was adopting the witness as its own witness, and that but for that understanding the court would not have permitted those interrogatories to have been put.

Mr. BAKER. Then we will withdraw all the examination on that point.

The PRESIDENT. Counsel must understand distinctly that there is no striking out or withdrawing from the record; whatever is done in this court is done.

The WITNESS resumed: Captain Wirz reported to me as an officer of the post; he made his morning report of prisoners, so that in making his daily requisition for provisions I could compare it with the morning report of prisoners to see that he was drawing rations for the exact number; I know that he drew rations every day for the prisoners, and every day I signed his provision returns; that was his duty.

Q. Did you give any orders to buy anything?

A. I did to the quartermaster.

Q. Did you ever give any to Captain Wirz?

A. I have no recollection of ever having done so; I gave the quartermaster orders to buy large quantities of lumber, which he was unable to do; this lumber was to be used for the erection of quarters; it could not be obtained because the post was without funds with which to pay for it; I frequently gave orders to the commissary, which were complied with when it was within his power to do so.

Q. Do you know that sometimes the orders could not be filled?

A. I do not recollect; I think it very likely.

Q. You do not know whether any orders that you gave the commissary to purchase things were complied with?

A. He was not a purchasing commissary; he was simply an issuing commissary.

By the JUDGE ADVOCATE:

Captain Wirz made the provision returns every morning, and they were presented to me for my approval; I do not know whether the amount drawn on them was delivered to the prisoners, but I take it for granted they were; I had nothing to do with the distribution of provisions to the prisoners; I do not know whether they were distributed, but I presume that they were.

THE DEAD-LINE.

By Mr. BAKER:

The dead-line had been established previous to my going to Andersonville; I do not know when it was established; I do not know of Captain Wirz shooting any one for passing it.

THE PRISON RULES.

Q. Do you know who was in the habit of giving orders in that prison for executing any sentence?

A. I do not know of any sentence having been pronounced.

Q. Do you know who put in the stocks the man you spoke of?

A. It was done by order of Captain Wirz; I know he was not ordered to do it by any superior officer.

Q. Do you state that one of the rules governing that prison was that men should be put into the stocks?

A. I do not know that there was any rule on the subject; I do not know who established the rule in regard to shooting prisoners who passed the dead line; it was in force when I went there; I do not know when it was established; there were written orders and rules, such as I referred to; I have none of them with me, and I have not the least idea where they are.

Q. Did the rules or orders under which you acted and those under which Captain Wirz acted emanate from the same source?

A. The printed rules of which I spoke were posted in several of the offices; they have been all lost; they were signed by Captain Wirz and approved by an officer who was there before me; whether by General Winder or not I cannot say.

Q. Did they relate to officers higher than Captain Wirz as well as to him?

A. There were no printed rules at the post; the general army regulations governed all officers whether in the field or at the post, but these rules of which I speak were specially for the government of the prison and not for the post; the post officers were supposed to be governed by the common articles of war and the army regulations.

Q. Then these rules you refer to did not relate to officers of a higher grade than Captain Wirz?

A. They related to the discipline of the prison; they were rules and regulations issued by the officer commanding the prison for the government of the prison, and had no reference at all to the post or its officers.

Q. Then they related to officers inferior in rank to him who issued them?

A. Yes.

THE DOGS.

The hounds were in charge of a man named Turner; they were certainly not bloodhounds according to my understanding of what blood hounds are; I think they were ordinary plantation dogs, a mixture of hound and cur, and anything else—the ordinary plantation dogs; I think there were about six or seven kept there; they were not kept in the prison, but about an eighth of a mile from it, in a building which had been used as soldiers' quarters; I believe they were a part of the discipline of the prison; I do not know by whose order the dogs were kept there; I do not know who established them there at all.

Q. Did you ever know of Captain Wirz giving any orders in reference to them?

A. Mr. Turner was under the orders of Captain Wirz.

Q. Would he not have been under the orders of any other person who was in Captain Wirz's place?

A. That I cannot say; I could not say under whose orders he might have been before I went there.

Q. You never knew of Captain Wirz using them at all?

A. I never knew of his using them himself; I know that Mr. Turner, who kept them, was under Captain Wirz's orders.

Q. Was Mr. Turner a person in the employ of the prison?

A. He was a detailed soldier.

Q. Do you know who detailed him to take care of those dogs?

A. I do not.

Q. Was he on duty when you went there?

A. Yes; he was on the same detail when I went there.

Q. Did they keep the same dogs there all the time?

A. I cannot say.

Q. Did you ever see them yourself?

A. Often.

Q. How large dogs were they?

A. They were of various sizes, little and big.

Q. Were they ferocious dogs or were they harmless?

A. I do not think they were harmless dogs.

Q. Were they dangerous dogs?

A. I do not know about that.

Q. Were they anything more than the ordinary farm dog?

A. They were the ordinary plantation dog.

Q. Not all ferocious or dangerous?
A. Well, I do not know about that.

AUGUST 24, 1865.

MEDICAL TESTIMONY.

Dr. JOHN C. BATES, for the prosecution:

I have been residing for the past four or five years in the State of Georgia. I am a practitioner of medicine, and have been engaged in that profession since 1850. I have been on duty at the Andersonville prison as acting assistant surgeon. I was assigned there on the 19th of September, 1864; reported for duty on the 22d, and left there on the 26th of March, 1865. (A paper was here handed to witness.) I think I have seen that before. It is a pass given me by Captain Wirz to enter the stockade. (The pass was then put in evidence.) I was ordered by Medical Director Stout to report to I. H. or J. H. White, surgeon in charge. He having been hurt by some railroad accident, I reported to Dr. R. R. Stevenson.

The following order, being produced by the witness, was then put in evidence:

OFFICE MEDICAL DIRECTOR OF HOSPITAL,
Macon, Georgia, September 19, 1864.

Acting Assistant Surgeon J. C. Bates is hereby relieved from duty at Macon, Georgia, and will report without delay to Surgeon J. H. White, in charge of hospital at Andersonville, Georgia, for duty. Quartermaster department will furnish transportation.

S. H. STOUT,
Medical Director.

By S. M. BERNISS,
Surgeon P. A., C. S.

Acting Assistant Surgeon J. C. BATES.

THE CONDITION OF THE PRISONERS IN THE HOSPITAL.

I reported to Dr. Stevenson, who assigned me to the third division of the military prison hospital, under Dr. Sheppard; I was assigned to the fifteenth ward, as then designated.

Upon going to the hospital I went immediately to the ward to which I was assigned, and, although I am not an over-sensitive man, I must confess I was rather shocked at the appearance of things. The men were lying partially nude and dying and lousy, a portion of them in the sand and others upon boards which had been stuck up on little props, pretty well crowded together, a majority of them in small tents, looking to be tents that were not very serviceable at best. I went round and examined all that were placed in my charge. That was the condition of the men. By and by, as I became familiarized with the condition of affairs, the impressions which were at first produced upon me wore off, more or less. I became familiar with scenes of misery and they did not affect me so much. I inquired into the rations of the men; I felt disposed to do my duty; and after the men found that I was inclined to aid them so far as I could in my sphere of action, they frequently asked me for a teaspoonful of salt, or an order for a little siftings that came out of the meal. I would ask them what they wanted the siftings for; some of them wished them to make some bread. I would inquire into the state of their disease, and if what they asked for would injure them, I would not allow them to have it. I would give them an order for sifted meal where I found that the condition of the patient required something better than siftings. They would come at times in considerable numbers to get these little orders for an extra ration, or if not a ration, whatever portion they could get. I spent a considerable portion of my time in writing orders, and I did it very laconically. I had three words that constituted

a *bona fide* order, which should be respected by the head cook or baker. We commonly called him Bob—his name was Allen; he was from Illinois. The order would read in this way: "Bob—meal—Bates." If any more words were attached to it, it was not a genuine order. I used that discrimination in order to favor the sickest of them, so that they might get what they could, at the expense, perhaps, of those who could get along better without it. These orders were constantly applied for, and I would sign them till my patience was almost worn out. The meat ration was cooked at a different part of the hospital; and when I would go up there, especially when I was medical officer of the day, the men would gather around me and ask me for a bone. I would grant their request so far as I saw bones. I would give them whatever I could find at my disposition without robbing others. I well knew that an appropriation of one ration took it from the general issue; that when I appropriated an extra ration to one man, some one else would fall minus upon that ration. I then fell back upon the distribution of bones. They did not presume to ask me for meat at all. So far as rations are concerned, that is about the way matters went along for some time after I went there.

Clothing we had none; they could not be furnished with any clothing, except that the clothing of the dead was generally appropriated to the living. We thus helped the living along as well as we could.

Of vermin or lice there was a very prolific crop there. I got to understand practically the meaning of the term "lousy;" I would generally find some upon myself after retiring to my quarters; they were so numerous that it was impossible for a surgeon to enter the hospital without having some upon him when he came out, if he touched anybody or anything save the ground, and very often if he merely stood still any considerable length of time he would get them upon him.

When I went to the hospital I found the men destitute of clothing and bedding; there was a partial supply of fuel, but not sufficient to keep the men warm and prolong their existence. Shortly after I arrived there I was appointed officer of the day. I learned that the officer of the day was in supreme command of all pertaining to the hospital, and that it was my duty as such to go into the various wards and divisions of the hospital and rectify anything that needed to be cared for. In visiting the hospital I made a pretty thorough examination. As a general thing, the patients were destitute; they were filthy and partly naked. There seemed to be a disposition only to get something to eat. The clamor all the while was for something to eat. They asked me for orders for this, that, and the other—peas or rice, or salt, or beef tea, or a potato, or a biscuit, or a piece of cornbread, or siftings, or meal.

Medicines were scarce; we could not get what we wished. We drew upon the indigenous remedies; they did not seem to answer. We gathered up large quantities of them, but very few served for medicines as we wished. We wanted the best and most powerful anti-scorbutics, as well as something that was soothing and healing, especially to the lining membrane of the alimentary canal, and such things as were calculated to counteract a dropsical disposition and a gangrenous infection. Those were prominent things in the hospital. We had not at all times the proper remedies to administer, and the indigenous remedies did not serve us, and could not serve us in those complaints. We were obliged to do the best we could.

There was in my ward a boy of fifteen or sixteen years, in whom I felt a particular interest. My attention was more immediately called to him from his youth, and he appealed to me in such a way that I could not well avoid heeding him. He would often ask me to bring him a potato, a piece of bread, a biscuit, or something of that kind, which I did; I would put them in my pocket and give them to him. I would sometimes give him a raw potato, and as he had the scurvy, and also gangrene, I would advise him not to cook the potato

at all, but to eat it raw, as an anti-scorbutic. I supplied him in that way for some time, but I could not give him a sufficiency. He became bed-ridden upon the hips and back, lying upon the ground; we afterwards got him some straw. Those bed-ridden sores had become gangrenous. He became more and more emaciated, until he died. The lice, the want of bed and bedding, of fuel and food, were the cause of his death.

I was a little shy. I did not know that I was allowed to take such things to the patients; and I had been so often arrested that I thought it necessary to be a little shy in what I did, and keep it to myself. I would put a potato in my pocket and would turn around and let it drop to this man or others. I did not wish to be observed by anybody. When I first went there, I understood that it was positively against the orders to take anything in.

I can speak of other cases among the patients; two or three others in my ward were in the same condition; and there were others who came to their death from the bad condition of things and the lack of necessary supplies. That is my professional opinion.

I had occasion to visit the entire hopital occasionally, and so far as I saw its condition was generally the same as I have been describing. At the time I went there, I think, from the best observations I could make, there were, perhaps, 2,000 or 2,500 sick in that hospital.

We had cases of chilblains or frost-bitten feet. Most generally, in addition to what was said to be frost-bite, there was gangrene. I did not see the sores in the original chilblains. I do not think I can say if there were any amputations or any deaths resulting from sufferings of that character, not having charged my mind as to whether the amputations were in consequence of chilblains, or because, from accidental abrading of the surface, gangrene set in. But for a while amputations were practiced in the hospital almost daily, arising from a gangrenous and scorbutic condition, which, in many cases, threatened the saturation of the whole system with this gangrenous or offensive matter, unless the limb was amputated. In cases of amputation of that sort, it would sometimes become necessary to reamputate, from gangrene taking hold of the stump again. Some few successive amputations were made. I recollect two or three which were successful. I kept no statistics; those were kept by the prescription clerks and forwarded to headquarters. I did not think at the time that the surgeon-in-chief did all in his power to relieve the condition of those men, and I made my report accordingly.

In visiting the wards in the morning I would find persons lying dead; sometimes I would find them lying among the living. I recollect on one occasion telling my steward to go and wake up a certain one, and when I went myself to wake him up he was taking his everlasting sleep. That occurred in another man's ward, when I was officer of the day. Upon several occasions, on going into my own wards, I found men whom we did not expect to die, dead from the sensation of chilblains produced during the night. This was in the hospital. I was not so well acquainted with how it was in the stockade. I judge though, from what I saw, that numbers suffered in the same way there.

The effeect of scurvy upon the systems of tne men as it developed itself there was the next thing to rottenness. Their limbs would become drawn up. It would manifest itself constitutionally. It would draw them up. They would go on crutches sideways, or crawl upon their hands and knees or on their haunches and feet as well as they could. Some could not eat unless it was something that needed no mastication. Sometimes they would be furnished beef tea or boiled rice, or such things as that would be given them, but not to the extent which I would like to see. In some cases they could not eat corn bread; their teeth would be loose and their gums all bleeding. I have known cases of that kind. I do not speak of it as a general thing. They would ask me to interest myself and get them something which they could swallow with-

out subjecting them to so much pain in mastication. It seems to me I did express my professional opinion that men died because they could not eat the rations they got.

I cannot state what proportion of the men in whose cases it became necessary to amputate from gangrenous wounds, and also to re-amputate from the same cause, recovered. Never having charged my mind on the subject, and not expecting to be called upon in such a capacity, I cannot give an approximate opinion which I would deem reliable. In 1864, amputations from that cause occurred very frequently indeed; during the short time in 1865 that I was there, amputations were not frequent.

I cannot state with any certainty the proportion of prisoners treated in the hospital who recovered and were sent back to the stockade. There were clerks appointed to keep all those accounts, and I tried to confine myself strictly to my own duty, and did not interest myself in any statistical enumeration of facts or data.

The prisoners in the stockade and the hospital were not very well protected from the rain; only by their own meagre means, their blankets, holes in the earth, and such things. In the spring of 1865, when I was in the stockade, I saw a shed thirty feet wide and sixty feet long—the sick principally were in that. They were in about the same condition as those in the hospital. As to the prisoners generally, their only means of shelter from the sun and rain were their blankets, if they had carried any along with them. I regarded that lack of shelter as a source of disease.

THE RATIONS OF THE PRISONERS IN THE HOSPITALS.

Rice, peas, and potatoes were the common issue from the confederate government; but as to turnips, carrots, tomatoes, and cabbage, of that class of vegetables, I never saw any. There was no green corn issued. Western Georgia is generally considered a pretty good corn-growing country.

Mr. BAKER objected to the line of examination that was being pursued by the judge advocate, on the ground that it was taking too wide a range, and that the evidence elicited was not connected in any way with the defendant.

The court, after deliberation, overruled the objection.

The witness resumed: Green corn could have been used as an anti-scorbutic and as an antidote. A vegetable diet, so far as it contains any alterative or medical qualities, serves as an anti-scorbutic.

The ration issued to the patients in the hospital was corn meal, beef, bacon, pork occasionally but not much of it; at times, green bacon, peas, rice, salt, sugar, and potatoes. I enumerate those as the varieties served out. Potatoes were not a constant ration; at times they were sent in, perhaps a week or two weeks at a time, and then they would drop off. The daily ration was less from the time I went there in September, through October, November, and December, than it was from January till March 26, the time I left. I never made a calculation as to the number of rations intended for each man; I was never called to do that. So far as I saw, I believe I would feel safe in saying that, while there might have been less, the amount was not over twenty ounces for twenty-four hours.

From January to March the rations were better than they had been before. The surgeon of the post had been changed. Dr. Stevenson was superseded by Dr. Clayton, who, I thought, interested himself very much to relieve the sufferings of the prisoners there. While Dr. Stevenson was director of the hospital, I never saw much interest manifested on his part to relieve the necessities of the prisoners.

Q. What number of ounces of healthy nutricious food is necessary to support life and health?

A. Upon one unvaried diet, confining a man to any one article or any one set of articles for a length of time, I do not know but that a man would starve to death upon plenty. That is a physiological question. The various secretions of the system demand a multifarious diet for the proper feeding of the system. If you were to confine a man to a single article of diet or four or five articles of diet for one year, I am inclined to say that he could not live. It is a nice physiological point. The monotonous diet issued from September till January, which continued afterward, though in larger quantities, was such as the men, without varying it, could not have lived upon without very bad effects, upon the nervous system especially. These are physiological points which I did not expect to be asked about. The diet was monotonous, consisting of corn meal, peas of not very good quality, sometimes sweet potatoes, sometimes tolerably good beef, at other times not so; sometimes good bacon, at other times raw bacon, which was not good. It is my opinion that men starved to death in consequence of the paucity of the rations, especially in the fall of 1864, the quality not being very good and the quantity deficient.

Q. Did you ever examine the question sufficiently to state the number of ounces of nutricious food necessary to sustain life and health?

A. I had a little discussion with Dr. Clayton upon that. It was after the first of January when he took charge. I was ordered to make a particular and especial report of every article that was issued, taking the number of patients then in the hospital and the attendants. I went to the commissary myself, and saw the provisions loaded up, carried in and weighed. I took those figures and the figures of the attendants in the hospital. The calculations which I made there were that sixteen ounces of meal would make twenty-eight ounces of bread, and sixteen ounces of flour would make twenty-two ounces of bread. I gave the prisoners in that calculation the benefit of the increase. In reference to the meat, I did not make any calculation for the bones, because they were generally disposed of by the prisoners, who were glad to get them. By the first definite calculation which I made, the patients received thirty-two and some tenths ounces, and the attendants received thirty or thirty-one ounces. This was after Dr. Clayton got charge. These facts were stated in my first report to him. Six days afterward I was called upon to make a similar report, and I think then the attendants got thirty-two ounces, and the patients got twenty-eight ounces of this monotonous food. I am not prepared to say how long life could be sustained upon a monotonous diet.

Q. Did you think that the food served out was sufficient in quantity?

A. After January, 1865, the quantity was sufficient if it could have been varied. Dr. Clayton and myself concluded that thirty to thirty-three ounces for the sick was a sufficiency at that time. Many of the sick did not consume all that was issued to them, but appropriated it otherwise. There was great trading and bargaining going on all the time. I know that the patients in the hospital greatly improved after the change of administration from Dr. Stevenson to Dr. Clayton. I know that they got more provisions and were better cared for. I never made a report to Dr. Clayton as medical officer of the day but he heeded every point, and when I pointed out any deficiency he would ask me to interest myself personally and remedy it, and he would do anything that could be done.

Q. Was that the fact before Dr. Clayton took charge?

A. I cannot say that it was.

THE AUTHORITY OF CAPTAIN WIRZ OVER THE HOSPITAL.

An altercation took place there between Dr. James and Captain Wirz. Upon going into the hospital one morning I learned my chief clerk was arrested, and had been ordered to be bucked and gagged; I did not see him gagged; I saw

him bucked; he was sitting outside of the gate of the hospital. Upon inquiry, I found that he had by some means or other neglected to report a man that was missing; and it was a question whether the duty of reporting this man belonged to the confederate sergeant, whose duty it was to call the roll of the sick, or to this clerk. Dr. James wrote a letter to Captain Wirz, or some other man; I saw that letter; Dr. James read it to me. I am not positive as to whom it was addressed to; but he spoke of Captain Wirz's tyranny in the punishment of this man, as he was very faithful in doing his duty. Dr. James rather felt outraged at the manner in which the man had been treated, and he made a demurrer.

By Mr. BAKER:

Q. Are you stating what that letter contained?

A. Partly.

Mr. BAKER objected to any evidence as to the contents of the letter referred to by witness.

By the JUDGE ADVOCATE:

Q. State what occurred.

A. Letters were passed, from the best evidence I got.

By the PRESIDENT:

Q. Do you know what became of the letter of which you have spoken?

A. No, sir; after it left Dr. James I never saw it.

Q. Do you know to whom it was sent?

A. I am not positive whether it was to Colonel Gibbs, Captain Wirz, or some one else.

By the JUDGE ADVOCATE:

Q. State what occurred in relation to that altercation between Dr. James and Captain Wirz.

A. Some letters passed. The man still continued under punishment there at the gate.

Q. Did anything at that time occur to determine the right of Captain Wirz to interfere in the hospital?

A. I thought so at the time, and think so yet.

Q. How did the surgeons regard it afterwards?

A. From the position taken, they regarded themselves as having very little privilege or right; that they had no right to give a dose of medicine without his orders or permission.

Mr. BAKER. We object to that; let us have what they said.

Q. What did they say?

A. The surgeon said that we had no right to give a dose of medicine without permission from Captain Wirz. Dr. James, myself, and others who talked of it, said this.

Q. With that impression you continued on duty there?

A. Yes, sir.

Q. What did the surgeons say about the matter?

A. They acknowledged the right of Captain Wirz over the hospital by an acquiescence in the position he had assumed.

THE ATTENDANTS AT THE HOSPITAL.

The attendants at the hospital were men from the ranks of the prisoners themselves; that is, the attendants, nurses, stewards, clerks, bakers, litter-bearers, water-carriers, police, and all such officers. Confederate sergeants called the rolls of the sick and of the attendants. The man that I spoke of as being bucked was W. W. Crooker; he was a federal prisoner there; as well as I recollect he was chief clerk of what constituted the old division of the hospital. His headquarters were in my ward.

THE NUMBER AND CONDITION OF THE PRISONERS IN THE STOCKADE.

At the time I went there there were 20,000 or 25,000 in the prison, as near as I could judge. From looking over the stockade or going among them, I could only guess as to the number.

I was ordered into the stockade on temporary duty. I applied to Captain Wirz for a pass to go in, and he issued that pass. At the time I went into the stockade the prisoners were placed on the south side of the branch. Before I had been ordered in there some of them had been sent to Millen or Florence, or somewhere else, and the number had been decreased. The larger part of the stockade was entirely vacant. At the time I was ordered in there, I think there were perhaps from 5,000 to 7,000 men there. When I first came there, there were said to be in the larger part of the stockade some 20,000 or 25,000. I went into the stockade and reported to Dr. Mudd. He assigned to me the duty of discriminating as to the cases which should be sent to the hospital and those which should be kept in the stockade, which did not require to be sent to the hospital. After discriminating and reporting for that day, I walked around the stockade as a matter of curiosity. I saw how the men were situated. I saw some in holes which they had excavated. I found a large number in the hospital, which was the fifth division in the stockade. Barracks or sheds were put up there for the sick. I thought those were doing pretty well compared with those out in the main hospital; but still they were in the same condition, so far as I could see. I walked outside among those reputed as being well; I saw sick men lying round among them. The shelters consisted of their own blankets spread upon poles and sticks, and also of places excavated in the earth. They were fixed up as well as they could be with the means which they had, which were entirely such as they could furnish themselves. In addition to this barracks or hospital in the stockades, I saw no shelter except what their own ingenuity had devised. There were several of those sheds. They reached pretty well across the north end of the stockade; one or two, I believe, were not completed in the northeast corner. How many there were I do not know. I understood they were erected only for the sick. From what I saw I thought they were suffering from want of food in the stockade as well as out. The prevailing diseases inside the stockade were scurvy, dropsy, diarrhœa, and gangrene. Sporadic cases of other diseases would spring up. Along in the fall, we would have sometimes pneumonia and intermittent and remittent fevers. I continued on duty as visiting physician to the stockade only two days, as well as I can recollect; not beyond three.

Q. Describe what kind of exhalations or odors arose from that prison.

A. There are two kinds of miasma laid down by medical writers: the *kino* and the *ideo;* one consists of exhalations from the human body in a state of disease, and the other of exhalations from vegetable decompositions and saturations generally. There were both kinds there. The miasmatic effluvia emanating from the hospital was very potent and offensive indeed.

Q. In what way would it affect the healthy?

A. If I had a scratch upon my hand—if the skin was broken or abraded in the least—I did not venture to go into the hospital without protecting it with adhesive plaster. I saw several sores originating from the infection of the gangrenous effluvia saturating the atmosphere. For this reason we were all very cautious. If a prisoner whose system was reduced by inanition, which would invite and develop disease, should chance to stump his toe (some of them were barefooted) or scratch his hand, almost invariably the next report to me, so far as my charge was concerned, was gangrene, so potent was the influence of the real regular-built hospital gangrene. If any one of the boys hurt himself in any way, he took particular pains to have the matter attended to as soon as possible, for they were all very apprehensive in reference to gangrene.

Q. Did the same state of things exist in the stockade?

A. I thought when I was in there that the effluvia was worse in the stockade than in the hospital. In the stockade the men were more thickly huddled together, like ants or bees or something of that kind. It was a hard matter to get through them.

I found some of the prisoners inside the stockade tolerably well clad. Those that I saw moving round looked to be clad in the usual uniform of the United States. Those that were able to help themselves seemed to be clad tolerably well. Those that were unable to help themselves were not clad so well. Some were without blouses or anything of the kind. I was there during the winter of 1864–'65—not all the time, however. I think I went into the stockade in January, 1865, or thereabouts. I went in to make personal observations—to look around. At that time all the men were confined on the south side of the stream that passed through the stockade. They were huddled together very thickly. We had some pretty cold weather for Georgia during that winter; once or twice, I think, I saw ice; it was thin, perhaps. We never have much ice there. I do not know why the prisoners were so crowded on the south side of the stream. I only know the fact existed. Those who wanted to go to the hospital were all permitted to go to the other side and report at the barracks, there to undergo this discrimination: Those that were refused admission to the hospital were ordered back to the south side of the branch and kept there.

THE CONDITION OF THE WATER.

I did not charge my memory particularly in reference to the condition of the stream of water that flowed through the stockade. I only gave a passing glance to see whether that stream was sufficient to water those men. In passing round I saw wells that had been dug by the prisoners, which induced me to look at the branch to see whether there was a sufficiency of water. I thought there was; but in a dry time I suppose perhaps the water might have been a little scant.

One cook-house, I think, was at the north end of the stockade, and one on the west side, rather in the hollow, near the stockade. (The witness pointed out on the diagram the location of the cook-houses.) The drainage from the cook-house on the west side would pass through the stockade. The stream flowed from west to east, through the prison. I have passed around the stockade with the exception of the northwest corner. I have passed around to the upper cook-house to see patients, then back and down to the north gate. I do not know any reason why that cook-house could not have been located on the other side of the prison, unless the object in putting it where it was, was to make it convenient for hauling rations. Another location might make the distance further. That is the only reason I know of. There were very nice grounds on the east and rear of the stockade. If it had been located there, its drainage would not have passed through the prison.

The troops were located on either side of the stream that flowed through the prison. I see marked on this diagram a branch which I now recollect came from the northwest, and another south of it, which joined the branch prior to its getting to the cook-house. You had to pass that to go to the depot; and the Georgia reserves, confederate troops, were located on the north side of the south branch, but upon the south side of the north branch. The branches upon which the regiments were located flowed through the prison. They formed a junction at a point indicated on this diagram, which is very correct. I now see the fourth Georgia infantry. They are very well located. The drainage of those camps would pass into this branch. There was nothing that I know of to have prevented those camps from being located on the branch below the prison. I suppose they were located where they were only for conve-

nience. There was a very good supply of water below, from which the military prison hospital was furnished. There was a kind of canal dug to let the water go there to water the hospital. On that branch was quite a swamp, and on the south side of the branch, some distance above the hospital, the ground became level, and the Georgia infantry were up there. I do not recollect if the margin of the stream, inside the stockade, was firm ground or swampy. I generally passed on the bridge; I could not get across otherwise.

THE SUPPLY OF WOOD.

Immediately upon the west side of the stockade, and between there and the depot, there was timber scattered; on the north side, beyond the cook-house a little, there was plenty of timber; on the south side plenty had been cut in logs and lay there, and down by the hospital there was plenty. That is a woody country, and there was plenty of wood within a mile. It was fine timber, and could have been made into shingles or clap-boards. I did not see any of it used to make shelter for the prisoners. A set of sheds were being erected there, as represented on the diagram, outside of the stockade and the hospital. They were in course of erection at the time of the abandonment of the place. No patients had ever been put in them. I regret to say that the supply of wood was not sufficient to keep the prisoners from what we term freezing to death. They would not, perhaps, actually freeze to death, but a patient whose blood is thin, and his system worn down, is very susceptible to the influence of cold. In the absence of sufficient food, sufficient stimulus, and especially in the absence of fuel, many of the patients (I speak now of what I saw in my own ward) would, during the night, become so chilled that in the morning, passing round, I would remark to my steward, "Last night did the work for that poor fellow; he will die;" or, "This one will die; I cannot resuscitate him with the means in my hands, his system is so reduced." Lying upon the ground during those chilly nights, (the weather was not freezing, but sufficient to thoroughly chill the whole system,) the patient would reach a condition in which resuscitation was a matter of impossibility after he commenced going down hill from this exposure. I have seen a number die in that way.

In my judgment there was sufficient timber growing in the vicinity to supply fuel for cooking and for keeping the prisoners warm, and also to furnish shelter for them. I frequently made observation while there, that there was plenty of wood to supply every demand—shingles, boards, logs to make huts, and plenty for fuel. That is a woody country; the wood is pine wood. I judged that it could be made into boards and rails from the fact that they were pretty plenty there, and from the fact that I saw the boys splitting boards for the new hospital shed that was going up. There was no deficiency of wood.

THE DOGS.

I have seen dogs at the prison. As I have seen the practice there, they were used to hunt the prisoners that escaped. I cannot say that I ever treated in the hospital any soldiers who had been wounded by dogs. I do not now recollect any such cases.

THE SKETCH OF THE PRISON.

(A diagram was exhibited to witness.)

I have seen that before; it was given to me in the Andersonville prison by Felix De La Baume. The tents, chimneys, fence, trees, cart and mule, etc., are correct. One sketch here of "Dr. Bates" is pretty good, but rather spindle-shanked. The great point in which it is not *fac simile* is that too few men are represented. If there were forty delineated where there is one it would be more correct. These men walking on their hands and knees and on crutches, some

carrying their tin cups in their mouths, represent men who could not go there otherwise. They were afflicted with scurvy as a general thing. One man represented here I recognize as a man named Ison, who was a subject of dementia; he only crept along on his haunches and feet. I recognize several others whose names I never learned, but whom I frequently saw. That man with the bucket in his mouth, I frequently saw crawling up for his rations. I see one man here representing "Dr. Bates examining the character and quantity of the beef," together with the confederate surgeon and Ed. Young, boss of that cook-house. I also see one figure representing "Dr. Bates giving beef-bones to the cripples." It was my prerogative as officer of the day to supervise the cooking and administration of the rations, and to attend to anything that generally belonged to the hospital. When rations were being issued I would frequently go there. Those detailed to cut up the meat would put the bones in one pile and count the rations and put them carefully in another. When I would go there from twenty to one hundred or more would ask me, some of them very imploringly, for a bone. I would say, "Yes, you can have all the bones." I see that I am represented here as handing bones to those cripples. I would hand them out as here represented. The general representation in this diagram is about correct, save that there were twenty or forty men to one represented here. They were very thick about the cook-house.

(Diagram was then put in evidence.)

THE TREATMENT OF THE DEAD.

On entering the stockade, I would find dead prisoners. They were generally laid up at the gate under some sheds or boughs constituting a dead-house. They were first brought out to the gate and laid just inside of the inner stockade; they were then carried on litters to the inside of the outer stockade, and from there they were hauled away in wagons—sometimes two-horse, sometimes four-horse wagons. They were laid in the wagon, I believe, head foremost, one on another, regularly along in layers. I do not know how they were buried.

The dead-house of the hospital was in the southwest corner. When I first went there, what was called a dead-house consisted of some boards put up into a kind of shed. These boards were used by the inmates of the hospital or somehow else; at any rate they disappeared. For some time the dead were laid there without any shelter. Every time I came on duty as officer of the day, which was every six days, I reported that there was no dead-house, and called the attention of the authorities to the erection of a dead-house or some place to deposit the dead, not to let them lie without shelter and exposed to the sun. This was in the hospital. They did not allow the corpse to lie long enough to cause any exhalations from putrefaction. Outside they were hauled off immediately to the grave-yard; at least I saw them hauled away—I never visited the grave-yard.

We needed a dead-house, so as to have some place to lay the corpses decently. At one time we got a tent erected for a dead-house, but that did not last very long. Every morning when I would go in I would find a blanket or a quilt sliced off. The men would appropriate them to wrap themselves up. At first the top commenced going, and in a few days all was gone. I remarked that it was no use to erect such dead-houses as that, except to supply the men with blankets, though I had no objection to their being erected every night, if the men could thereby get blankets. If my memory serves me right, no more dead-houses were erected. I think that tent I managed to get erected was the last.

THE REBEL AUTHORITIES ADVISED BY REPORTS OF THE CONDITION OF THE PRISONERS.

The morning after making my first tour as officer of the day, I sat down and made a report, the language of which I do not now recollect, but the substance was based upon the condition in which I found the hospital. That report was sent up, and I being a novice in military matters, for some things which I had said in that report I received a written reprimand, signed "R. R. Stevenson, by Dr. Diller," his assistant in the office. The date of that report was about the 24th or 25th of September, two or three days after I reported. I continued to make those reports, but I think they were not heeded.

Meetings of the surgeons were held to see whether these things could not be remedied. Petitions were written and partially signed, and were then destroyed for want of a proper channel by which to send them up, or some other objection. Finally there was a report made to the medical department; it was to be sent to Surgeon General Moore or the secretary of war, I am not certain which. Dr. Eiland, Dr. McVey and some other doctors there signed it. It was not sent, as I understood. These things were talked of, and the result was a medical investigation was ordered to be made by Dr. Llewellyn and Dr. Guillot. They were to inquire how the hospital fund had been used—the hospital fund that was appropriated for the Union prisoners. During the course of this investigation medical gentlemen were called upon the stand, myself among the rest, and the account current of the hospital was examined by these two medical gentlemen, who were inspectors under orders from the secretary of war. This was after Dr. Stephenson left; he was ordered, I think, to Florence. I never saw any official opinion or report emanating from Dr. Guillot or Dr. Llewellyn.

(A paper was exhibited to witness.)

Q. Do you recognize the handwriting in that document?

A. It was written before I went to the Andersonville prison, but I recognize it as the handwriting of Dr. Pelot, so far as I recollect his handwriting. I frequently saw him write; we made our morning report together.

Q. Were you familiar with his handwriting?

A. Tolerably so.

The paper purporting to be a morning report, made by Dr. Pelot as medical officer of the day, was offered in evidence.

Mr. BAKER objected to its admission on the ground that it was not in any way connected with the prisoner.

The court, after deliberation, overruled the objection.

The following report was then put in evidence:

FIRST DIVISION, C. S. M. P. HOSPITAL,
September 5, 1864.

SIR: As officer of the day, for the past twenty-four hours, I have inspected the hospital and found it in as good condition as the nature of the circumstances will allow. A majority of the bunks are still unsupplied with bedding, while in a portion of the division the tents are entirely destitute of either bunks, bedding or straw, the patients being compelled to lie upon the bare ground. I would earnestly call attention to the article of diet. The corn bread received from the bakery being made up without sifting, is wholly unfit for the use of the sick; and often (in the last twenty-four hours) upon examination, the inner portion is found to be perfectly raw. The meat (beef) received by the patients does not amount to over two ounces a day, and for the past three or four days no flour has been issued. The corn bread cannot be eaten by many, for to do so would be to increase the diseases of the bowels, from which a large majority are suffering, and it is therefore thrown away. All their rations received by way of sustenance is two ounces of boiled beef and half pint of rice soup per

day. Under these circumstances, all the skill that can be brought to bear upon their cases by the medical officer will avail nothing. Another point to which I feel it my duty to call your attention is the deficiency of medicines. We have but little more than indigenous barks and roots with which to treat the numerous forms of disease to which our attention is daily called. For the treatment of wounds, ulcers, &c., we have literally nothing except water.

Our wards—some of them—were filled with gangrene, and we are compelled to fold our arms and look quietly upon its ravages, not even having stimulants to support the system under its depressing influences, this article being so limited in supply that it can only be issued for cases under the knife. I would respectfully call your earnest attention to the above facts, in the hope that something may be done to alleviate the sufferings of the sick.

I am, sir, very respectfully, your obedient servant,

J. CREWS PELOT,
Assistant Surgeon C. S. and Officer of the Day.

Surgeon E. D. EILAND,
In charge First Division C. S. M. P. Hospital.

[See "Dr. Pelot's Report," page 84.]

THE EFFECT OF THE TREATMENT RECEIVED BY THE PRISONERS UPON THEIR MENTAL CONDITION AND MORAL SENSIBILITIES.

Q. What effect had the treatment you have described upon the mental condition and moral sensibilities of the prisoners?

A. There was among them generally an enervation of the nervous system, which ran down in consequence of this scarcity of supplies. The nervous system must of course sink under such pressure. I have seen the effect manifested in idiocy, dementia, and other mental weaknesses. I have seen several instances of that; not a great many; four or five, perhaps, came under my immediate observation. Morally, I would have expected that such abject circumstances would have produced deep humiliation and resignation, but the effect was otherwise. The moral feeling of the prisoners gradually evaporated. Instead of having a healthy influence upon their morals, it had a contrary effect. Men seemed to abandon themselves. It seemed to me at times that no man interested himself further than "I;" a well man would sometimes steal from a sick man; and if a sick man could steal anything from a well man, or anybody else, he would do so. It seemed to me that all lived for themselves, having no regard for anybody else. I judged this to be superinduced by the paucity of the rations—the starving condition of the men.

PROFESSIONAL OPINION OF DR. BATES AS TO THE PERCENTAGE OF LIVES THAT MIGHT HAVE BEEN SAVED BY PROPER TREATMENT.

Q. From your observation of the condition and surroundings of our prisoners—their food, their drink, their exposure by day and by night, and all the circumstances you have described—state your professional opinion as to what proportion of deaths occurring there were the result of the circumstances and surroundings which you have narrated.

A. I feel myself safe in saying that seventy-five per cent. of those who died might have been saved, had those unfortunate men been properly cared for as to food, clothing, bedding, &c.

THE NUMBER OF PRISONERS THAT DIED AT ANDERSONVILLE.

Q. State how many of the prisoners died there.

A. From the best information I could get, the deaths up to the time I left were 12,878, outside of the small-pox burying ground, and in that I judged there were some eighty or one hundred.

WIRZ FURNISHED WITH A COPY OF THE RECORD AT THE EXPENSE OF THE GOVERNMENT.

Upon the meeting of the court on the 25th of August, the counsel for the prisoner requested the court to direct that the official reporters furnish him from day to day with a record of the testimony at the expense of the government, he being unable to employ reporters at his own expense.

The court, after deliberation, decided to grant the application, and gave directions to that effect.

Cross-examined by COUNSEL:

My home has been in Louisville, Jefferson county, Georgia, since 1857. By occupation I am a practicing physician. I have never held office under the State or national government. I was keeping a drug store when the war broke out. Up to June, 1864, I remained at home practicing medicine. I was exempted by the confederate congress, being a physician over thirty years old, and having been in practice for seven years prior to the 17th of December, 1864. About that time I was arrested and taken to Augusta. I was then, as I sometimes expressed it, forced to go into the confederate service to keep out of it. I had no sympathy whatever with it, and no desire to go into it. I did not say or do anything to bring on the war. I have always been a Union man, as I understand what the definition of "Union" is. Up to that time (June, 1864,) I was exempt under the confederate act. I soon saw that Governor Brown was going to run everything that could bear arms into the State militia, and as I had been asked to take a position as a contract surgeon, I thought it better to take it rather than go into the trenches. I know of only one other, Dr. Wilson, who went in in that way.

I took an oath to the southern confederacy, one forced upon me at the point of the bayonet. I was compelled to take it, and did not at that time consider it binding upon me, morally.

I was arrested and taken to Augusta, and was given thirty days for the purpose of showing my exemption on the plea of being a physician. I got up the testimony, and the plea was refused. I bothered no more about it, but reported to Colonel Brown, and told him where I stood. I told him that Surgeon Green, of the confederate hospital at Macon, had sent word to me to go up there and help him. Colonel Brown said, "If Doctor Green wants your services your contract will be as good an exemption as you want." I therefore entered into the contract, and it was indorsed by the surgeon general, and I was put on duty in the City Hall hospital. One day a lieutenant came up and asked me if my name was Bates. I told him it was. He said, "You are under arrest." I asked, "For what?" He said, "I do not know; but bring your blankets and duds." I said I had none. He walked me out to Camp Cooper, adjacent to Macon, and there I was confined. Next morning I was taken out to be enrolled and to have my personal description taken. A testament was shoved up to me. I asked what it was for. The answer was, "To take the oath." Said I, "Hold." I was not allowed to speak or say anything to anybody. I then asked for Major Roland, commandant of the post, and said I wished to see him. He was in an adjoining room. He sent word to me that I was under orders and that he wished no conference with me. They stuck up a book to me. I asked them what the oath or obligation was. They said it was that I should support the constitution. I was surrounded by bayonets, and the book stuck at me. I took the oath under duress. All the acts I did in the southern confederacy were in consequence of my being compelled.

My first duties at Andersonville were going in and examining the ward and the patients in the ward. I continued in that service from the 22d of September, 1864, to the 26th of March, 1865, save the times when I was under

arrest. The surgeons with me there during that time were Dr. Sheppard and his son, Dr. Alexander, Dr. Thornburg, Dr. McVey, Dr. Thompson, Dr. Dillard, Dr. Stevenson, Dr. Mudd, Dr. Rice, Dr. Coleman, Dr. James, Dr. Williams, Dr. Cridelle, Dr. Reeves, Dr. Johnson, Dr. Perryman, Dr. Kilpatrick, Dr. Curry, Dr. Kerr, hospital steward, Dr. Saunders, and perhaps some others. Dr. Stevenson remained chief surgeon till the latter part of September. He was the surgeon to whom all the others had to report. Dr. H. J. Clayton succeeded him in the latter part of September, 1864, and remained surgeon-in-chief till the time I left. The miseries I have related occurred under the administration of Dr. Stevenson. They were much relieved when Dr. Clayton came in.

At the time I came there I understood that General Winder was in command, but shortly afterwards Colonel Gibbs was.

Captain Wirz did not have anything to do with the medical department that I knew of. I did not recognize him as having any right whatever to do so. He never interfered with me in any way. I have no hard feeling towards him; he always treated me very respectfully and kindly. I never saw him use any hard means towards anybody. I believe the letter of which I spoke was addressed to some one besides Captain Wirz.

THE RATIONS OF THE PRISONERS IN THE HOSPITAL.

The rations came from the commissary department. They came there from the depot. I do not know who gave the requisitions; I gave requisitions sometimes for special diet; it was ordered there that the prescriptions and special diet should go together. Special diet is anything outside the ordinary rations; something palatable for the sick. I gave special requisitions for some things; afterwards I prescribed for them on the book, which superseded the special requisition. I had to make my report to Dr. Roy, and he countersigned it and sent it to the surgeon in charge of the post. I had no right to order special requisitions except when I was officer of the day. When I made those requisitions I applied to Dr. Roy, who was in charge of all this military prison hospital inside the fence. We all reported to him and were subject to his orders. He got the supplies from Surgeon Clayton, on requisition. Dr. Clayton was surgeon in charge of all the sick at the post; he was at the head of the medical establishment at the post. Dr. Roy, on the report of his various clerks who were in the prison hospital, would report so many sick, and so many well, and on that he would make requisition for so many rations, and that would go to Dr. Clayton; I never knew any requisition to be made on Captain Wirz for anything for the prisoners. It was not considered by the medical officers there that he was responsible for anything which the prisoners lacked—they never blamed him that I heard of. I never heard Captain Wirz's name mentioned in reference to the ration, so far as the sick were concerned.

By the COURT:

I do not know who established the ration of the prisoners. The component parts of the twenty ounces that constituted the ration were meat, meal, sirup, salt, sugar, &c. I do not know in what proportions. The meat was small; the meal was said to have been issued at the rate of a pound and a quarter for each man daily. That was the ration I drew, and I was told that mine was the same as the rest; I had enough, such as it was, but I did not presume to live upon it. Some of the sirup I would use, and some of the rice. I have been told that the rations issued to the prisoners were the same as those issued to the confederate soldier, and I suppose it was so. The confederate soldiers had no potatoes issued to them; they had the same quantity and quality of corn meal, as I understood. My ration was better than any I ever saw admin-

istered to a soldier or a prisoner. I got my one and a quarter pound of corn meal, my half pound of bacon, and at times my pound of beef. Sometimes we would send them back, not thinking proper to use them. That was done by confederate troops there. Once to my knowledge there was a board of survey called which condemned some articles. Peas and beef were, perhaps, a little short, and sometimes pork. The ration returns for the prisoners in the hospital were first approved by Dr. Roy, and his requisition went up to Dr. Clayton. After that, I do not know anything about them; they had no other approval that I know of. There was a board of survey called which condemned the rations issued, perhaps to Union prisoners and to the confederates both; I am not sure of that. The last time I was in the commissary, there at Andersonville, I heard the officers complain that they had to shift their quarters, for it was worse than a dissecting room, and so it was to me. The dispensary was infected with some kind of odoriferousness from a lot of spoiled, perhaps green, bacon. Sometimes the quantity and quality of beef was bad—as the boys would say, they had to hold it up to kill it, and it was condemned. Perhaps it was the best that could be done, about which I have nothing to say.

THE SUPPLIES FROM THE NORTH.

I saw some sanitary commission goods which had been received at the prison from the north for the prisoners—nothing like provisions, though—clothing and blankets. I do not recollect in what quantities. I thought it was quite a genteel little present, under the circumstances, but far too short to supply their wants. I saw the boys wearing the clothing afterwards; I saw some with pants, some with drawers, some with shirts, some with blankets. I know of no misappropriation of supplies of that character, which arrived from the north.

THE CONDITION OF THE WATER.

By COUNSEL for the accused:

The bakehouse was a large frame shed in which there were brick ovens erected for baking bread; nothing but bread was cooked there. It never entered my mind until now that the reason why the bakehouse was placed near that stream was because it was convenient to the water. I suppose they got the water to make bread from that brook. I did not eat the bread made in that bakehouse. I got my rations in meal, and my cooks cooked it for me. Most of the other surgeons did the same. I do not know that that bread was used by the confederate officers and soldiers.

I do not wish to convey the idea to the court that that steam, of itself, was unhealthy; it was good water, and was unhealthy down at the bakehouse only from the drainage of the camps. I should not like to indulge in frequent draughts of it. I should judge it was very unhealthy below the prison. It was unhealthy at the forks only from the drainage of the camps, the washings from which may have gone into the southern branch, and more or less, though not so much, into the northern branch. We got the water that was used at the hospital from a little canal dug out of a stream there, south of the stockade, not connected with the stream that ran through the stockade. I do not know what the stream was called; this creek, marked in the diagram as Little Sweetwater creek, looks like the position of it. The servants obtained the water for the hospital from the little canal. Little Sweetwater creek is less unhealthy than Double Branch creek only from the drainage. There were some encampments on the level dividing one creek from the other, and the drainage may have gone either way. We took the water from Little Sweetwater creek, and the Union prisoners took theirs from Double Branch creek. The confederate soldiers got their water from wells. I do not recollect that ever I saw them use the water from this creek. I do not know where the soldiers in the fort

got their water. I think I have seen confederate soldiers carrying water from this south branch of Little Sweetwater creek, but I do not know that I have seen them carry water from Double Branch creek. I do not think they used the same water as the Union prisoners. I never counted the number of wells they had around there. I saw two or three in the camp. I saw one well in the stockade, but there was no water in it. I never saw but this one hole in the shape of a well. There were two cook-houses; one of them at the northwest corner of the stockade. I do not know what they cooked there. It was known as cook house No. 2. I thought things looked very clean about there. The bakery did not look to be so very filthy, but I think the cook-house at the northwest corner looked rather better; things were kept cleaner. There was no particular difference that I observed. I did not charge my memory with any investigation of that kind. I do not know where the cookery at the northwest corner got its water. I never saw any well there. To the best of my knowledge there was no stream there. I suppose they got their water from Double Branch creek. The water could not have been turned from the prison without excavations. It was not turned from the prison. The water from Double Branch creek ran through the prison, and the Union prisoners used it. The water from the junction ran down into the stockade. Those outside might have used it if they saw proper—either before or after it passed through the stockade. I never saw any of the confederate soldiers using the water from there in their cook-houses. I saw two or three wells in the confederate camp, I think. I did not examine them in my official capacity. I just saw the men drawing water at them. I cannot tell how many men could be supplied from those two or three wells. I suppose the wells were dug by the soldiers; they did not have the appearance of being very permanent; they were walled with planks.

Q. Do you know how many confederate soldiers were there?

A. No, sir, I never heard the number estimated.

Q. Can you form any estimate yourself of how many were there?

A. There were four or five hundred; perhaps eight hundred.

Q. Do you think that eight hundred confederate soldiers could garrison a post like that, and guard thirty or forty thousand Union soldiers?

A. I never studied much about that.

Q. May there not have been three or four thousand soldiers there?

A. I never took any particular notice.

Q. Where were these soldiers located?

A. They were located on the left of the southern branch; there were some in the forks of that branch and some to the south of it.

Q. Is it your opinion that those soldiers were placed there for the purpose of sickening Union soldiers.

A. I never thought so.

Q. Did you have any idea during the whole time you were there that there was any such conspiracy as that of sickening Union soldiers from this stream?

A. I never had any impression of that kind.

Q. Did you have any idea that the Union prisoners were actually sickened and killed by the filth of that stream?

A. I am not posted on that matter. My duties were confined to the hospital, not to the stockade.

Q. Did it ever strike you that any one about those premises was conspiring for the death of Union prisoners there?

(Objected to by the judge advocate, and, after deliberation, objection overruled.)

A. It never so impressed me. I always objected to the shortness of the allowance, but I never attributed it to a conspiracy.

Q. Was not the shortness of the allowance and the poor condition of it in consequence of its having been furnished by the southern confederacy?

A. To a great extent I suppose it was.

Q. Could any one at that post have obviated the difficulties in regard to the Union prisoners there?

A. There could have been more issued of the character it was. There wasn't enough as it was.

Q. But supposing there had been an abundance, was it such as a sick man should have had?

A. No.

Q. Could any one there have furnished what the sick men should have had?

A. Not without special pains, and going into the country for it.

Q. Was it the duty of any one to go into the country and get supplies?

A. Sometimes there were foragers there whose duty I understood it to be to forage for the hospital.

Q Would you or any other officer there have been allowed to go into the country and get supplies for the prisoners?

A. I always understood that I had no right to do it. None of us pretended to do it.

Q. Would one of them have dared to do it?

A. I do not think he would.

Q. Were not those prisoners taken care of by the persons there as well as they possibly could be with the means at hand?

A. We took care of them the very best we could, but we always objected to the means furnished.

Q. To whom did you object?

A. Through the morning report we objected, in the usual course, to the surgeon in charge.

Q. Do you not know that it was generally complained of up to higher authorities?

A. That was what our intention was.

Q. You always looked to higher authority for relief from these troubles?

A. Yes, sir.

Q. Do you know of Captain Wirz doing anything in the way of starving these prisoners any more than the rest of you?

A. Personally I never knew anything about Captain Wirz, whether he ever signed an order to issue anything or not.

ANDERSONVILLE.

Andersonville is nothing more than a railroad station. There were but a few houses there until the military shanties were put up. There were commissary stores there. There was one private store there; I think a drygoods store. There was no grocery store while I was there. The prisoners could not obtain anything for their comfort or convenience without going into the country and foraging. They were not allowed to do that. Some of the paroled men used to do it, sometimes.

AUGUST 25, 1865.

MEDICAL TESTIMONY.

Dr. A. V. BARROWS, for the prosecution:

During the last four years I have been in the service of the United States as hospital steward twenty-seventh Massachusetts regiment, and was acting assistant post surgeon at Plymouth (where I was captured) for several months previous to my capture. Then I was paroled by General Hoge, to take care of our wounded, and forwarded from there, with the remainder of the convalescents,

from one prison to another, till I reached Andersonville—about the 28th day of May, 1864. I was then paroled by Captain Wirz, and placed in the hospital, and put in charge of two wards, numbered 7th and 8th, or the 8th and 9th. I remained there nearly six months, till the 9th of October, and then made my escape to Pensacola, within our lines. Since then I have been mustered out of the service, and have been practicing medicine at home. I was assigned to the hospital by Captain Wirz. I left Andersonville on the 9th of October, 1864. I was not there in the winter-time. Captain Wirz was in command of the prison all the time from the time I went there. I found him in command, and he was there when I made my escape. (A paper was here handed to the witness.) This paper was given to me by Surgeon Eiland, who commanded the division in which I had charge of a surgical ward.

(The following paper was then put in evidence:)

OFFICE SURGEON IN CHARGE 1ST DIV. C. S. MIL. PRISON HOSP.,
Andersonville, Ga., September 7, 1866.

I take pleasure in testifying to the kind and gentlemanly deportment of Dr. A. W. Barrows, while a prisoner of war, and to his energy and devotion to his suffering comrades. Dr. Barrows has been in charge of both medical and surgical wards, in all of which he has acquitted himself with credit to his profession.

E. D. EILAND,
Surgeon in Charge 1st Division.

CONDITION OF THE PRISONERS IN THE HOSPITAL.

When I reported for duty I found, I think, about six or seven hundred patients lying on the ground. At that time there were no bunks; that is, there might have been a very small number. Most of the patients were lying on the ground, partially naked—some of them with wounds, broken legs, the loss of limbs, gangrene, scurvy, chronic diarrhœa, and other diseases. In the two wards to which I was assigned they had no medical attendance at that time. They had established the hospital outside of the stockade, I think only four days previous, and they had no medical attendance, except from the stewards and nurses; I do not know for how long. I found them there without medical attendance. While I was on duty there I found other wards without attendance. There have been times when, I think, the 3d and 4th wards were without medical attendance for two or three days, with the exception of stewards and nurses; but it was not so as a general thing. I was once ordered to take charge of those wards, which I did for ten days, and then reported back to the 7th and 8th, or 8th and 9th. I do not remember the number. Many of the men were without blankets, and with hardly clothing enough to cover them. Some had blankets, others had none. Probably nine-tenths of the patients, at that time, were lying on the ground—some of them without shelter, and some under poor tents. The ground was a little descending to the southeast part of the hospital; and whenever we had heavy rain the patients were completely washed in the rain, lying on the sand. I once ordered the men in my wards to dig trenches around the tents, to turn away what water we could; and I also tried to get boards to have bunks made, but I could not obtain them.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

I have often heard Captain Wirz make remarks in reference to the hospital, at different times. I have sometimes heard him say that he would starve every damned Yankee that was there—or something to that effect—when somebody had made his escape, or attempted to make his escape. Whenever prisoners came there, I have heard him make such remarks. I have heard such remarks many times when I have been at his office. He used to come into the hospital about once a week, but never unless he was looking after somebody, or somebody had made his escape. I have seen him around the hospital, and this man

Turner, with his hounds. We looked upon Captain Wirz as the proper authority to govern things there, not, perhaps, in the medical line, but as to every other regulation. As to the discipline, if any one made their escape from the hospital, he inflicted the punishment; he ordered the man put in the stocks, or in the chain-gang. I have seen Union soldiers who had tried to make their escape, and had been caught, put in the chain-gang, or in the stocks, within the stockade.

RATIONS OF THE PRISONERS IN THE HOSPITAL.

The rations of the sick men when I first went there I never weighed. They were very small, indeed. In the month of June the patients in my ward got the same as the others. The daily ration averaged about two ounces of meat a day. Then it was bacon, I think. There were no vegetables issued in that month, or in the fore part of it, at least. Their diet consisted of two ounces of bacon and a small peice of corn-bread in the morning, and at night perhaps two and a half inches square of bread; no coffee, no tea, no sugar at that time, and no flour. Sometimes there was a little rice soup; perhaps a gallon of rice to thirty gallons of water. That is pretty much all I had to live upon.

In July we got a very few vegetables; collards, which is a species of cabbage, but not sufficient to give the patients a table spoonful of vegetable matter per day. Later I had more vegetables, though not every day.

The last three months I was there I had charge of a surgical ward where the patients got more vegetables. I drew sweet potatoes for them; perhaps they would get one a piece each day with their other ration of corn-bread. There has been a few times a little tea issued; perhaps a quarter of a pound to a ward of a hundred persons for a week. That was not all over the hospital, merely in gangrene and surgical wards. Some of the patients were unable to eat the corn-bread; it was unsifted, coarse, and not very clean. Under such diet the patients would become reduced in strength, and gradually run down to the system of starvation. Many of them became idiotic from want and exposure, and from the lack of proper food to sustain the vital powers.

I saw other evidences of starvation manifested by these prisoners. They would steal from each other the small ration they did get, or steal from anybody. They would take anything they could get to eat. I have seen, after the street had been policed and before the dirt was carried away, prisoners look it over to get a potato paring, or something of that kind. They were always asking for something to eat, saying that they were hungry. Many of these sick men could not eat the corn-bread. From the effects of starvation their gums were bleeding, their mouths were sore, and they were unable to masticate. I remember an instance where a sick man picked up beans or peas which another had eaten and vomited up. That has been seen many a time. Such instances as that were common, indicating starvation.

VACCINATION OF THE PRISONERS.

I had in my ward cases of vaccination. I had what I call vaccine sores; they were in the arms usually; sometimes in the axilla. They were the result of vaccination, and had every symptom of "secondary" syphilis, in my opinion. A person can be impregnated with that disease by inoculation; it is so put down in medical history. I should say I have seen two or three hundred cases of that description in the course of my stay there. The sores were as large as my hand, and were produced by vaccination. In my opinion, the matter used must have been impure. I considered it as poisonous, judging from the effects and results; there was every appearance of "secondary" syphilis in the sores. Amputations were necessary from that cause, and I do not remember of one living; there may have been, but I do not remember such a case at the present

time. I have seen men die from the effects of that vaccination in the months of June, July, and August; more particularly, 1864. I have had conversations with the surgeons about that matter, and some of them have admitted that, in their opinion, it was poisonous matter. I do not know that I called Dr. White's attention to it specially. I was not considered as a privileged character there, and had not opportunities to report. He had means of knowing it, and must have known it; he visited the hospital very often.

DR. PELOT'S REPORT.

(A paper was here handed to witness.) I have seen that paper before. I took it from Andersonville hospital. It is the original document—the morning report of Dr. Pelot. I brought it from there myself. This is his own handwriting. I am familiar with it. I took it away, as it seemed to be a clear statement of how things were there. The blots came upon it from a piece of nitrate of silver that I had in my pocket book. When I made my escape I took it with me lest I might get scratched by brambles, and thereby get gangrene, having been in the hospital so long.

THE STOCKS.

The "stocks" is a frame about six feet high, with boards that shut together, leaving just room enough for a man's neck, and arranged so that his arms are fastened at full length each way, and his feet just touch the ground. I have seen cases where the men could have the privilege of standing on their feet with their whole weight on the feet; and I have also seen them where they could merely touch the ground with their toes. I have seen men punished with the stocks both ways. There was a different kind of stocks from those I have described. There was one kind for putting the men's feet in the stocks, and balls and chains on their hands, with their feet elevated. The men would be lying, or I do not know but they might sit up. I do not remember any other description of stocks but that.

THE CHAIN-GANG.

I have seen six men in the chain-gang, and I remember seeing eighteen men in it at one time; a heavy chain ran from one to the other, and round their necks, chaining them all together in a circle as it were. They were connected with handcuffs on their hands, and balls and chains to their feet, and those chains running from their feet connected in some way with the circular chain that ran from one to the other. That is as near as I can describe it. A 32-pound ball was attached to the chain, or a smaller ball, perhaps ten or twenty pounds. I am not able to state the exact size. The prisoners were confined in the chain-gang at all hours of the day. I have known of some men being there for a week, and some two weeks, at different times. The time would vary. The men would have to be there as long as Captain Wirz saw fit to let them remain there. They were without shelter in the sun or rain. The effect upon the men at best must be to weaken them—reduce their strength. I cannot testify that I saw any prisoners die from being confined in the chain-gang. I have no doubt of the fact, although I did not see the men die.

THE DOGS.

I have seen the hounds used at the prison. I think the first time I saw them was in the forepart of the month of June, 1864. At that time some one had made his escape from the hospital. They were brought to the hospital and taken round the hospital to see where the man went away, and they took the trail, and caught the man, and he was brought back and put into the stocks. I have seen Captain Wirz on horseback with the party who were running the

hounds. I could not say that he was running them. Turner had command of them, and I have seen Wirz order the men off—I mean the men who had charge of the hounds. I have heard him give orders to Sergeant Smith, I think his name was, to start the hounds, as some one had got away from the hospital, or something to that effect, at a good many different times.

MEN MANGLED BY THE DOGS.

I remember a man making his escape from the hospital in July, and being overtaken by the hounds; a large portion of his ear was torn off, and his face mangled, and he was afterwards brought into the hospital. That man got well. This was in July or August, 1864; I do not remember the exact date. I remember, also, that, at the end of August, or in September, 1864, a man who had been bitten badly by the dogs in trying to make his escape, was brought into my ward and died. The wound took on gangrene and he died. He was a Union prisoner. I am not certain whether he was trying to escape from the stockade or the hospital. I cannot state the exact date when he died. It was either the last of August or the forepart of September. If my memory serves me right, I should say he died four or five days after he was torn by the dogs. I know the wound took on gangrene and he died. I do not think he died directly from the effects of the wound. I think he did indirectly—it was from the effects of the gangrene. The gangrene was manifested in the wound, and in no other part. He was bitten through the throat on the side of the neck, and gangrene set in, and he died. The gangrene was the result of the bite, in my opinion.

THE DEAD-LINE.

We had no dead-line in the hospital, and I never was in the stockade. I have seen what has been pointed out as the dead-line. In some places there was a little mark pointing it out, and at other places there was nothing but the ditch. I do not remember that I ever heard Captain Wirz give any orders to any of the guard with regard to that dead-line. I think I never did.

SHOOTING OF PRISONERS BY THE GUARD.

I have often heard Captain Wirz tell the guard at the hospital, that if any of those "Yanks" tried to get away to shoot them. We had no dead line established there. I remember one of our soldiers being shot in the hospital. He was a man from my ward; I don't remember his name. It was in August, 1864. He was cold. There was a fire inside the enclosure on the south part of the hospital. It was swampy there, and there was no ground for the guard to stand on, and they were stationed inside the hospital at one portion of it. Where this shooting happened the board fence came down to the swamp, and there the guards were on the other side. This was a patient in my ward. He got up to go warm himself by this fire beside the fence, perhaps five or six feet from it. A confederate soldier put his gun barrel through the fence and shot him, breaking his thigh. His limb was amputated by Dr. White. Within five to seven days he died. He was shot inside of the hospital. This happened some time in August, 1864, I think.

THE ORDER OF WIRZ TO FIRE THE ARTILLERY UPON THE PRISONERS IF THEY HUDDLED TOGETHER.

I remember once, when we were expecting a raid from Kilpatrick, I was up at Captain Wirz's headquarters; he was standing by the battery; I heard him give orders to the gunners if the prisoners huddled together in a heap in the stockade to fire the artillery upon them; that was at the time of Sherman's march, about the time he took Atlanta; there was a good deal of excitement in the stockade as well as out; the troops were drawn up in line around the stock-

ade all the time; there were from 33,000 to 36,000 prisoners there at that time, as I understood; it was difficult for the prisoners to avoid being huddled together; there were so many that when they lay down at night they would cover every foot of the ground; that, I believe, was before the stockade was enlarged; it was enlarged some two acres; I will not be positive whether it was before or after; but previous to its enlargement, the stockade was terribly crowded, so that the prisoners, when they lay down, would cover the whole space, I think.

DR. WHITE.

I know Dr. White; his name is Josiah White; I know it, because I had a pass from him to go out, which is now in this city in the hands of one of the witnesses in this case; I mean the surgeon in chief; there was no other Dr. White there; I made representations to the surgeon in chief, Dr. White, in regard to the treatment of the prisoners there; I never got what I asked for; there was always some evasive answer to the effect that what I asked for could not be got, such as vegetables, anti-scorbutics, and articles of diet.

Counsel for the defence moved to quash so much of the first charge as referred to Dr. White, on the ground of a misnomer, evidence showing his name to be Josiah, not Joseph, as charged.

The court, after deliberation, overruled the objection and refused the motion to quash, stating that the name could be at any time corrected on motion.

The WITNESS. I have seen the handwriting of Dr. White; (a paper was here handed to witness.) I recognize that pass; I went with Mr. Keyser one morning to get a special pass, and Dr. White gave it to us; that is the pass; I saw Dr. White write it; my name is given in the pass as J. Barrows, but I am the person.

The following paper was then put in evidence:

CHIEF SURGEON'S OFFICE, *June* 19, 1864.

Guards will pass J. Keyser and J. Barrows, hospital attendants, to depot and return.

ISAIAH H. WHITE,
Chief Surgeon.

FIRST CHARGE AND SPECIFICATION AMENDED BY INSERTING "ISAIAH H. WHITE," IN PLACE OF JOSEPH WHITE.

The JUDGE ADVOCATE. I now move that the word "Joseph" be struck out in the first charge and specification, and wherever it occurs before the word "White," and that the words "Isaiah H." be substituted for it.

Counsel for the accused objected to the amendment proposed and opposed the motion, contending that there was no law justifying or authorizing it.

After deliberation, the decision of the court was announced, overruling the objection and granting the motion of the judge advocate.

MOTION TO STRIKE OUT THE NAME OF JOHN H. WINDER FROM THE FIRST CHARGE AND SPECIFICATION.

Counsel for the accused moved that the name of John H. Winder be struck out of the first charge and specification, and that all proceedings in reference to him be quashed, it being a notorious fact that John H. Winder was dead.

The JUDGE ADVOCATE. Do you appear for John H. Winder?

Mr. BAKER. I do not. I hold that Winder, who is dead, cannot be tried for conspiracy.

The JUDGE ADVOCATE. Then I insist that you do not try to defend him. There is nothing before the court to show that he is dead.

After deliberation, the decision of the court was announced refusing to grant the motion.

THE SUPPLY OF WOOD.

There was material for shelter at hand, and it could have been procured. Our boys offered to build hospital sheds if they would allow us to go out on detail, paroled under guard, and allow us to cut timber and bring it there, and build them ourselves, but it was not allowed. Timber could have been got when I first went there, within ten rods, which was cleared up afterwards. I do not think there was a sufficient quantity of fuel for the purposes of cooking and for warming the prisoners. It could have been procured, as I tell you, within ten rods, or twenty rods at least, for four months of the time while I was there. It was gradually used up by the confederate soldiers outside, from the fact that it was so near them. Many of the prisoners made a similar proposition to go for wood for fuel. I have passed men out to get wood, but I could not always do it. I could sometimes pass out the nurses in my wards, when I had business for them outside.

CONDITION OF THE WATER.

I have been near the bake-houses for the prison. There was only one when I first went there. It was on the north side of the stockade, about two rods above it, on the creek running through the stockade. Some time in the latter part of August or September there was another larger one erected at the north-east corner. I have been in both of them many a time. For the first three or four months of my confinement there, all the rations for the inside of the stockade and for the hospital were cooked, I believe, in the bake-house at the north-west side of the stockade. (Witness points out on the diagram the bake-house as being the one situated on the stream above the stockade.) All the rations cooked for the prisoners were cooked there—such as peas, bread and meat. The drainage from it must have gone into this brook. There was a small ditch connected with the brook from the bakery. All the dirty water, slops, and everything of that kind, ran into this brook, about two rods above the stockade. Some three months after that, the meat, peas and rice were cooked at the further bakery, and nothing but bread cooked at the other. The water for making the bread was taken from the brook. There were planks laid down from the bake-house to the brook, below the rebel encampment. It was a very swampy place, and they had to lay down boards in order to walk out to the brook. I should not be able to give an idea of the quantity of filth and garbage that must necessarily have flowed into the brook. The court can judge of that when I state that all the rations for from eighteen to twenty-five thousand men were cooked there. Before the new bakery was erected there were rations cooked there for as many as thirty thousand men.

The exhalations that arose from the stream in and around the bakery were perfectly horrible; I do not know that I can express it any better than that; so much so that it did not seem as if any one could live there. I certainly did not think that any one could live in the vicinity and enjoy health with even the best of diet. The drainage would "rile" the water, all the filth being carried by that stream through the stockade, where our prisoners obtained their water. It made the water very unhealthy. There were confederate soldiers encamped on each side of the stream, not a quarter of a mile above the cook-house. There was an encampment on each side; one of the regiments there was the third Georgia. The ground is very descending on each side. When I passed over the ground there were sinks dug there, near the brook, perhaps four rods from it. In the descent from the camp every rain must fill the sinks full and wash them into the brook which passed through the stockade. The filth from the camp must naturally go into this brook, because it could go nowhere else. That is a fact; I have seen it.

THE STOPPAGE OF RATIONS.

I know about rations being cut off from prisoners in the stockade. I remember being at the bake-house or cookery when I heard of it. Some of the men had been trying to tunnel out. I think the whole thirty thousand prisoners were deprived of rations until these men could be found out. They were twenty-fours without rations at that time, and there was a great deal of disturbance in relation to it.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

I had the privilege, by reason of my assignment as assistant surgeon, of going outside of the hospital, anywhere inside of the inner forts, from half a mile to a mile of range of country; around the cook-house and in that vicinity. I noticed that there were cornfields within a mile of the stockade. There were large cornfields across the larger creek, a little south of the hospital. There was a road running through the swamp leading to large cornfields. The confederate soldiers had plenty of vegetables; they had them to sell. They were not allowed to sell to Union prisoners, but they did so without the knowledge of the officer of the day. The Union prisoners were not allowed to have green corn or vegetables, or to carry it in. We understood there were orders against it. I have known men to be arrested for buying such things, and I have seen the guard take away vegetables which they were trying to carry to the hospital. Green corn would answer as an anti scorbutic in cases of scurvy, and would have been a very useful diet. Captain Wirz's orders, as I understood them, as regards men who were paroled, were that the men should not be allowed to take in anything of a vegetable kind. I know that vegetables have been taken from myself which I was trying to take in. I remember one instance of my getting some back from Dr. Eiland's office.

TREATMENT OF THE DEAD.

When I first went there, the dead were carried from the hospital over to the outer gate of the stockade, where they were laid, lying in a row, three or four rods from the front entrance. Those who died in the stockade during the night were brought out the next morning, and from there they were hauled to the burying ground. I cannot tell you exactly how long the bodies were allowed to remain there. They were not hauled away immediately. For instance, if dead bodies were taken out at night they remained there over night till the next morning. As to the dead-house at the hospital, I remember at one time some dead bodies lying there some three days. I made a complaint to Dr. Cridelle, who commanded the division in which my ward was, and he made a complaint to higher authorities, I do not know to whom, and the bodies were hauled away. The stench was terrible; worse than any dissecting room I was ever in. It was in August, and was very hot weather. I could plainly discover the effect of it upon the atmosphere at my tent, which was ten or fifteen rods from the dead-house. I called the attention of a number of surgeons to it, Dr. Kilpatrick, Dr. Cridelle, and others. I think Dr. Cridelle entered the complaint to higher authorities. I think that is the only time I ever knew dead bodies to remain there such a length of time. I have known of persons who died in my ward in the night and were not found perhaps till next morning. Often in making my morning call through my ward I have found men dead, lying beside a comrade asleep. It was a very common occurrence in the hospital. I do not know how it was in the stockade. I remember when there have been as many as from seventy-five to one hundred who died during the day in the stockade, and who were never taken to the hospital. That was in the

month of August. These men died without coming outside the stockade. There were surgeons who went to the outer gate, and who were called stockade surgeons. Those who were able to come out to that gate received medical treatment, as far as the medical officers would give it to them.

NUMBER OF DEATHS IN AUGUST, 1864.

The number of deaths that occurred in August, 1864, by the official report that went from the hospital, was 2,997. I did know the number officially reported for all the months, but I have forgotten the figures.

NUMBER OF DEATHS IN ONE DAY.

I think the largest number of deaths occurring in the stockade and hospital any one day was 207, who died one day in August. I cannot give the exact date. There was a good deal said about it at the time among us prisoners.

WIRZ KNOCKS A PRISONER DOWN AND STAMPS ON HIM.

At the time when they were removing the prisoners from Andersonville to Savannah, I suppose, and other places, I was up at Captain Wirz's headquarters one day; they were taking the prisoners from the stockade to the railroad; I don't remember the month; there was one man who was sick, unable to walk, and he fell back; I could not hear Captain Wirz's language to him, but I saw Captain Wirz knock him down and stamp on him; I think it was in September, 1864; he had a revolver, but I could not say whether he struck him with his revolver or his hand; I was perhaps four rods from him.

WIRZ BOASTS THAT HE IS OF MORE SERVICE TO HIS GOVERNMENT THAN FOUR REGIMENTS AT THE FRONT.

I remember hearing Captain Wirz make the remark that he was of more service to the confederate government, by being in command of that prison, than any four regiments at the front.

Cross-examined by COUNSEL:

My home is in Amherst, Massachusetts; it has been my home some ten years; I was a medical student before the war, and received my diploma since I came from the army; I was mustered out the 7th of December, I think; I was acting assistant post surgeon at Plymouth, and was a hospital steward by rank; I had the responsibility of a physician; I consider that a man can be a physician without a diploma; I practiced before I went into that hospital with my preceptor, more or less, for two years, studying and practicing, both, as his student; I attended one course of medical lectures in 1860, at Berkshire Medical College. I connected myself with the twenty-seventh Massachusetts in 1862; they were already in the field in North Carolina, a portion at Little Washington, and a portion at Newport barracks; I was connected with that regiment altogether about three weeks, with the portion at Newport barracks; I think there were five companies there; I think there was something like a thousand troops there of different commands, artillery and cavalry; I was acting surgeon at that time at the hospital, attending morning-call for the whole post; the surgeon being sick, I took his place, being ordered to do so; I had a general supervision of the sick; we had no hospital there; we sent our worst patients to Beaufort, South Carolina; I did not go there to attend them. We had some sick persons with the regiment, those that were temporarily sick, not considered sick enough to be sent to the hospital—some mornings there would be twenty, and other mornings there might be fifty, answering surgeon's call—on an average there were from twenty to fifty, daily, under my charge; if there were any sick enough to be sent to the hospital, I gave them an order to go to Beau-

fort; I had an opportunity to observe the conduct and discipline of the soldiers there, frequently and freely. When I left that place I was assigned to duty, by the medical director, to Little Washington, North Carolina; I remained there two or three months as Dr. Hunt's post surgeon's assistant; there were probably twelve or fifteen hundred soldiers there; I had charge of the hospital there after the death of Dr. Hunt, which occurred about two or three weeks after I went there; he was shot outside the lines; I was there about three months; I had an opportunity to observe the conduct and discipline of the soldiers, freely, while I was there; I was there only three months when I was ordered to report to Post-surgeon Flagg, at Plymouth, as his assistant, and I remained at that post till my capture, April 20, 1864; I was at Plymouth nearly a year; in the first place when I was captured, I was paroled by General Hoge to take care of the wounded. On leaving Plymouth, I went to Weldon, North Carolina, and remained there a very few hours, when I was taken to Raleigh; I remained there, I think, two days; I was in the hospital there; I was next taken, I think, to Charlotte. I was not on duty with our troops after leaving Plymouth as a prisoner; I have had very good chances of observing the conduct and discipline of our troops at different posts; I don't know that I have seen any of the Union troops punished while in our service; I have seen them in the guard-house; I suppose that was a punishment; I never saw any of them wearing a ball and chain; I suppose such punishment has been inflicted; I have not seen it; I have never seen them punished in any way except by being put in the guard-house; I have never been on duty in any hospital in our service besides those two I mentioned, that at Little Washington, and that at Plymouth; in visiting those hospitals, I observed closely the condition of the sick; I have seen patients affected with syphilis, some bad cases; I did not see any cases as bad as those at Andersonville; the cases I visited in our lines were primary syphilis; I considered the others as secondary syphilis; they are quite different; all that I saw at Andersonville were secondary, and those that I saw in our lines were generally primary syphilis; I may have seen cases of secondary syphilis, but I don't remember any; I have often seen such cases in my practice.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

While I was at Andersonville I saw a portion of the medicine furnished to the men; it came from what we termed the dispensary; the dispensary was under the direct charge of the confederate hospital stewards; I think there were some men there on detail; it was considered under charge of Captain Wirz; I know of his ordering men from the dispensary back to the stockade for some trivial offence; the internal management of the dispensary, the giving out and control of the medicine, was under the confederate stewards; they were under the orders of Captain Wirz; I took it to be so, as I had seen him order them; I have every reason to think it so; I think Captain Wirz signed requisitions for medicines with Surgeon White; I have seen such requisitions signed by himself, I think, and Surgeon White, if my memory serves me right; I have seen requisitions with Captain Wirz's name attached drawn upon Macon; I do not know what right he had to interfere with the dispensary of that hospital; I cannot say that it is customary for commandants of prisons to interfere with the arrangements of a dispensary; I never was at but one prison; I have heard the doctors make remarks upon that subject; after some trouble that they had over some question that arose, I heard them make remarks to this effect: that they considered it was finally decided that they had not the right to give a dose of medicine without Captain Wirz's permission or orders; that was some time in September, I judge—I cannot say certainly—the latter part of the month; I heard Dr. Eiland make that remark; Captain Wirz never interfered with me in relation to the medicine while I was in the hospital; I had nothing to do

with him, nor he with me, as regards my own wards; I had no one in that hospital dealing out medicines; in our morning visits we made requisitions for such medicines as we knew they had or could get; those requisitions went to the steward of the camp, and I knew no more about them afterwards; those requisitions were in writing, and were made upon the hospital steward of the camp; I have made requisitions in my own handwriting, and always made them on the hospital steward; that was as high as I had authority to go; I think the other physicians made their requisitions on the division surgeons; I am not positive; all those requisitions of different wards or divisions were consolidated, and a general requisition, as I understood, was sent up on the medical director of the post; the hospital steward made the consolidation; in my own ward the requisitions were first made on the hospital steward of the camp; the others did not always go the same way; sometimes I have known them to do so, and sometimes they went to their division surgeon; I think there were four divisions while I was there and four division surgeons; I was under Dr. Eiland a portion of the time; I understood that those division surgeons were under the control of Captain Wirz; I could not say how far his authority went in regard to them; I do not think it would be impossible for them to be under his control; I do not know that it would be impossible for the surgeon-in-chief to be under the authority of the commandant of the prison; I never was in a military prison before, and had no opportunity to judge about the rules of military prisons and hospitals; while I was in that hospital I received verbal orders, usually from the division surgeon; I do not think I received any orders directly from Captain Wirz while I was there.

RATIONS OF PRISONERS AT THE HOSPITAL.

In the earlier part of the time I was there, in the latter part of May or June, 1864, the diet was principally bacon and corn bread, sometimes a little rice soup; I think there were no vegetables in the month of June, but later we had a very few vegetables; rice was not plenty in the hospital; it was not the best nor the poorest; it was rather mean in quality; I do not remember seeing any wheat flour until two or three months after my going there; in September or October we had some flour occasionally—perhaps an ounce and a half of flour to a patient; we were limited to prescribing it to the worst cases; if my memory serves me right, we began to receive it more regularly in the latter part of August or the first of September, but in very limited quantities; it was issued to my ward by the quartermaster inside the hospital; the rations were brought there in wagons, I suppose from the commissary; it was drawn in on wagons with the rest of the provisions; I saw it drawn in; I do not know whose wagons they were; I should judge they were those attached to the quartermasters' department; I do not know who was the quartermaster outside; there was a man detailed in the hospital as quartermaster to distribute the rations; his name was Smith, if I remember rightly; I cannot tell his first name; I think he was acting in that capacity when I went there, and he continued up until nearly the time I went away; his duties were to distribute the rations to the different wards according to the number of patients in the wards, as I understood; I do not think he had the rank as quartermaster; I think he was a sergeant; I think he was called Sergeant Smith; he was one of our own men; I do not know his rank; I do not know where he got the rations; they were drawn in from the outside; the commissary department was near the depot, or the building pointed out to me as such; I suppose he got all the rations used there from the general commissary department; I do not know the name of the commissary from whom these supplies came; I do not know whether there was any change in the officer of the commissary department during the time I was there; I do not know whether Captain Wirz was ever quar-

termaster or commissary during my stay there; I did not so look at him; I did not suppose he was quartermaster or commissary; I could not say that he was or was not; I have no reason to believe that he ever was; as he was commandant of the post, I think he must necessarily have had command over those departments; if it would be necessary for me to see his orders to know that he had control over them, I never saw any orders from him to that effect; I do not know positively that he had official control of either of those departments; I know of his keeping rations away from them; Smith is the only one that I have personal knowledge of distributing the supplies; we got them from him; they were brought in by teams every day; they were delivered to him to distribute to the hospital; I have heard Dr. White, when he was medical director, give him orders in reference to the distribution of vegetables; I have sometimes heard him give orders to distribute to gangrene wards a little larger proportion of vegetables than to medical wards; I have heard such orders; we did not have a sufficient supply of wholesome vegetables—it was very limited; in July and August, I think, we had more, particularly collards—a species of cabbage growing in the south; and later in the season we got, occasionally, sweet potatoes; they were not furnished to all alike; gangrene and surgical wards received more vegetables than medical wards, that is at one time; the wheat flour was received through Smith; I have heard division surgeons, while writing orders for special diet, say to him something to this effect: "I have a few men that must have it, and you must respect my orders;" the reason why he told him he must respect his orders was because there had been orders issued from headquarters to the effect that only the worst cases could obtain it at times when it was scarce.

THE SUPPLIES FROM THE NORTH.

At the dispensary, which was a small log building, there was also another small building, and in that there were supplies, I think, which I was told came from Richmond, from our lines. I can enumerate some of the articles: there was dry beef—perhaps two or three hundred pounds; Bologna sausages, and some such articles of diet. I think I never saw any clothing there. I have seen once, when visiting the depot, boxes marked to different soldiers; but I do not know what became of them. Nobody in my ward got any matter of clothing. Once or twice a small piece of dry beef was brought in there, but not enough to allow each man half an ounce of it. I do not know who used the dry beef and Bologna sausages. I suppose it should have been for the use of the men in the hospital. I never received it in my ward but once or twice, and did not see it in the hospital. I have asked the confederate hospital steward several times for it. I think I got some once. I do not recollect the exact words of his reply to me. My request was not granted. It strikes me that his reason for the refusal was that he had no authority to give it without higher permission, but I am not positive about it. I do not know that Captain Wirz gave an order himself to turn these supplies over to the hospital—I know that we did not receive them in the hospital.

VACCINATION OF THE PRISONERS.

I have treated syphilitic diseases in both stages—primary and secondary. You may see secondary developed years after primary. Sometimes it may advance from one stage to the other more rapidly in one patient than in another. There were no cases under my treatment at the hospital except of those vaccine sores. I think I saw one other case under the treatment of another physician, but I did not treat it; that was primary syphilis. I do not remember any case of secondary syphilis outside of those cases of vaccine sores, which it is my opinion were of that class. I am considered an expert, I think, in

the treatment of secondary syphilis, by people I have treated. I call myself good in that respect. Syphilitic disease does not always make its appearance in the same part of the body, or in the same manner; but usually its effects will be noticed on the skin. It usually manifests itself in the form of ulcers; sometimes in eruptions of the skin, sometimes in the throat. It shows itself in different forms. On a larger portion of the prisoners whom I saw affected with that disease, it manifested itself on the arms and under the arms; a great many on the arms, from the effects of which amputations became necessary; and many of the patients died from exhaustion. It was usually on the arm that was vaccinated on which the disease would show itself—always, I think, in the cases which I saw. It usually showed itself in the form of a large ulcer, sometimes half as large as my hand, and I have seen them so large that they would probably cover the space of my hand; some were very large. I am not prepared to speak positively as to whether there can be any external manifestation of a syphilitic disease of a secondary nature, until the poison has been some time in the constitution. I did not see any men vaccinated there. I treated the vaccine sores of persons who had been vaccinated. I do not know of my own knowledge who vaccinated those men. I do not know whether Captain Wirz did it, nor have I any reason to suppose that he did. I have reason to think that some surgeon did it.

THE SUPPLY OF MEDICINES.

When we made requisitions, we got sometimes tonics and sometimes opiates, but in very small quantities, (three-fourths of the time we were without opiates,) and products of an indigenous nature, such as white-oak bark, and such things as we could get there. Sometimes we got small quantities of drugs. We never got a solution of corrosive sublimate. I do not think the article was there. Once or twice we got a little lime-water, for a cooling wash. I treated those cases of vaccine sores with lime-water, partly. We never got any brandy. I did not get any blue ointment—I do not remember that I did—we had no special use for it in my ward. I think I have seen a small quantity of borax issued. I got aqua fortis, but in very small quantities. I have made requisitions for it in the treatment of gangrene. I have seen aromatic sulphuric acid there. I do not remember that I got any calomel. I do not remember that I saw any others get these medicines. I think I have got blue pills in small quantities, but not very often. I do not know whether they could have been obtained in large quantities or very often. I do not know what their facilities for manufacturing were. We did not get any mercurial medicines in any quantities. Blue pills are considered as mercurial. I did not have much occasion for their use: the patients were depleted enough without adopting mercurial treatment. More tonics were what we needed. I do not remember ever seeing any yellow dock or anything of that kind. I have seen very small quantities of carbonate of ammonia—a very excellent remedy. We did not get any oranges or lemons, nor pine-apples. We got iodine and iodide of potash, in very small quantities. I do not know whether it was scarce—I made requisitions many times when I did not get it. Sometimes I got it in very small quantities. I got very few escharotic medicines or things coming under that head. I think I have seen some white vitriol there—I could not state as to the quantity. We use alteratives for secondary and primary syphilis. I suppose almost every surgeon has his own private opinion as to specifics. Books recognize mercurial preparations as a specific for syphilis. I could not treat the syphilitic diseases there properly without those medicines. With the troubles under which we labored, we could not expect to save the lives of the Union prisoners who were affected with those diseases. The matter of diet would perhaps have something to do

with saving their lives. A proper diet would have great effect in connection with the remedies. In the condition in which the patients were, lying in the dirt, and with the diet they had, the chances of saving their lives were, of course, greatly against them. I do not think I could have obtained any wheat flour, to make poultices, or anything of the kind. I never did obtain any wheat flour to make bread, out of which to make poultices, the supply was so limited. I do not think I could have done it to any great extent. Wheat poultice, or wheat bread poultice, may be termed a specific in syphilitic diseases, in one sense of the word. It is so regarded professionally, but it is not very well adapted generally to that class of diseases—not so well as caustics, lime-water, &c. I should not use it so much. Aromatic sulphuric vitriol is not used in those cases. Vitriol is not usually used in those cases; that is, the oil of vitriol. In venereal diseases we use the sulphate of zinc, which is white vitriol. That is sometimes used, but not usually in syphilitic diseases. Elixir of vitriol may be used as a tonic in secondary syphilis. In secondary syphilis, where there is occasion for tonics, it might be used. I do not think it is, generally. Elixir vitriol is a tonic. It has another quality—it would have some effect on the secretions. It is aromatic sulphuric acid—sulphuric acid diluted with aromatic tinctures—cinnamon and a certain class of aromatics. I do not remember the exact description. It is composed of more than one ingredient; you might perhaps call it a compound. It is used in fevers, in scurvy, in an enemic condition as a tonic. It is also used sometimes in remittent and intermittent fevers, in combination with quinine. It has been sometimes used, I think, in syphilitic diseases of a secondary nature, but not generally. Sometimes there was plenty of quinine there, for the time being, and then again there was none. I could generally get it in small quantities—not sufficient to supply the demand. I never have used it particularly as a remedy in syphilitic diseases. When mixed with vitriol, it would depend on the quantity administered whether it would be adapted to a weak state of the digestive organs. We would have to judge according to the patient's strength and enemic condition. I should think it might be used with good effect. Quinine used with elixir vitriol is not generally used in syphilitic diseases, I think. It may have been used, but not as a general practice. I should think it would be good for a weak state of the digestive organs—I should think it might be used to advantage. I have used it in that way there. As I said before, the supply was limited, small. I had gum-arabic there sometimes; as a general thing I could not obtain it in quantities sufficient to use it as a nutriment. It was like the other remedies—sometimes we had a supply, and at other times not. Generally they had it in small quantities. I was constantly met with the difficulty that I could not deal out to my patients what they required. We did not have the remedies.

THE POSSIBILITY OF MAKING SHELTER FOR THE PRISONERS.

Timber could have been got for the shelter of the prisoners—some of it in the form of logs, and some of it was standing; the prisoners could not get it without a pass or permit to go out to cut timber. During the months of June, July and August I think there were no boards of any account; there might have been a very few, not in sufficient quantities to have had them for a cover. I saw boards, but not sufficient to answer for covering for the whole at any other time; if it was not used for covering it could have been used for bunks; it would not have accommodated all with bunks; I should say, in the month of September, perhaps two-thirds; during June and July there was plenty of timber within ten rods of the gate of the hospital; a portion of it was cut down and a portion of it was standing; I do not call the portion that was standng "logs"; they were trees which could have been converted into shelter very easily by our own soldiers if they had

been permitted; they offered to do it; I do not think they could have gone into those woods and cut the trees; they had nothing to cut them with. Those trees would have made boards to cover them; they could have split that timber and made a species of shingles or slabs that would have made a very good shelter; they could have done so if they had had axes or things to do it with; I never saw any saw-mill there; there was a sufficient quantity of water in a brook that went south, as I would call it, from the hospital, but it would be difficult to get a fall of water sufficient there to carry on a saw-mill. A limited number of our prisoners could have been allowed to go into the woods to cut wood—twenty a day; they would not have run off if they had been under guard; men might have been detailed to guard them; most likely they would have been shot if they had attempted to run off. I applied for boards to Dr. White; I made application when I first went there and at different times afterwards; it was a verbal application made to Dr. White in the hospital, to no one else; I did not get the boards; I made application at different times; the first time I think was in the fore part of June, and I made application very often afterwards; when I met him in the hospital I would give him a statement of the condition of my men and ask him for boards, and whether there was any way in which I could get them; I never got them in any quantity until the latter portion of the time I was there; when I first went there there was timber within ten rods of the hospital; at one end of the hospital was a swamp; the trees that were within ten rods of the hospital were a foot and a half or two feet in diameter, perhaps some larger.

By the COURT:

I judge there may have been from three to five thousand men of the rebel force at Andersonville when I was there; they obtained fuel from the timbered land; I have often seen them drawing it; they did not cut it themselves; it was cut by the colored men who were there, sufficient for their purpose; I think there were axes there sufficient to supply that garrison with fuel; the federal prisoners had no means of cutting wood to my knowledge; I should judge there was a sufficient number of axes there to enable them to provide themselves with wood for fuel or for shelter, from the fact of my having seen from one to two hundred men cutting trees in all directions at the time of the expected raid of Kilpatrick; there were axes enough to cut down acres there at that time; I think there was garrison enough there to furnish a guard for one, two, three or four hundred of our prisoners if permitted to go out and cut fuel for themselves, the rest of the men being in the stockade; it is my judgment that a detail could have been sent out every day to provide fuel sufficient for their own purposes.

By COUNSEL for accused:

I should judge there were from three to five thousand confederate soldiers there while I was there; I can mention some of the regiments; at different periods there were anywhere from fifteen to thirty thousand Union prisoners there; I should judge that that guard could have been detailed while there were thirty thousand prisoners there.

CONDITON OF THE WATER.

I think the second cook-house that was built was much larger than the other, (witness illustrates its position on the diagram;) when I went there at first all the rations were cooked at No. 1; they were cooked there in June, July and August; after that there was nothing but bread baked there; when I first went there I should judge there were from fifteen to twenty thousand prisoners there; I was many times at the bakehouse; I first went through it in June, 1864; I think the man who had charge of it at that time was a Baltimore man of the name of Duncan or some such name; I do not know how many men he had

under him; he had all that could work conveniently in the bakehouse; they were Union prisoners most of them, perhaps all, with the exception of this one man; I did not say that men could not live there; I said that men could not live there and enjoy good health, no matter what provisions they had; some of the men who lived there were out of health; that was the occasion of my going there to visit some of them; I think there was more sickness there than would be usually in such places; for that place the men were perhaps generally in fair health, but men in another climate would be more healthy; some of them were healthy and some were very sick; the majority of them were generally healthy; they had shanties back from the bakehouse some distance on the side of the hill; many of them roomed there, and I do not know but that all of them did; I may have seen a bunk or two at the bakery; I found one sick man there, but I usually found sick men in their little shelter; they were suffering with chronic diarrhœa and scurvy; the water from that bakery must have run through the prison; I never drank any of the water from the stream at the bakery; I have drank water at the bakery that was got from the spring on the side of the hill; it was there that the boys got their water for drinking purposes; I have seen the spring; I did not see the water that I drank brought from it; I have seen them bring water from the spring, and they told me it came from the spring; it was good water for that country; I have seen two or three wells up near the encampment, and also one or two good springs some distance up, on the right of the stream, near another encampment; I should judge these springs would supply a good number of men with water for drinking purposes; they did not appear to supply water for all purposes of the encampment, as the men were often seen washing their clothes in the stream that runs through the bakery; I should say the men at the bakery were not under immediate guard; I have seen one or two of our men out under guard once or twice for the purpose of getting wood; I have seen them out at different times a short distance to get what was necessary, but not enough to say "often"; I know that the men were prevented from going out of the hospital under guard; I do not know how it was at the stockade; there was no place to get water near the hospital only this brook; I have been prevented from going out; I do not recollect that I ever went out for water; I do not know of any person having been prevented directly by Captain Wirz from going for water under guard.

THE STOPPAGE OF RATIONS.

At one time the prisoners were without rations in the stockade for 24 hours, on account of some men who had been trying to tunnel out, to undermine the stockade; I understood that was inflicted as a punishment. I suppose it is a rule that prisoners may be confined in dungeons, or in solitary confinement, for attempting to escape, but I did not suppose it to be the rule before, that thirty thousand men should be punished on account of half a dozen; I suppose that half a dozen might have escaped without the thirty thousand availing themselves of the privilege; I do not suppose that twenty-nine thousand would remain there after one thousand had escaped if they could get away; I should judge the cutting off of rations was a police regulation, but they were punishing the innocent as well as the guilty.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

Q. Did you ever know Captain Wirz to prevent any man from getting anything that was within his reach which the man was allowed to have?

A. There was nothing within reach inside of the stockade; if a man went outside the hospital, and came to where they were selling peaches or fruit to confederate soldiers, he was not allowed to buy it.

Q. Did Captain Wirz directly prevent him?

A. The guard prevented him.

Q. Then you never knew of Captain Wirz preventing any one from doing any of the things I have mentioned, getting water or buying peaches?

A. I remember the guard doing it, but I do not recollect Captain Wirz doing it personally.

HOW THE PRISONERS WERE GUARDED.

By the COURT:

The prisoners in the stockade were guarded by sentries placed in boxes on the top of the stockade when I went there; there was also a reserve guard, perhaps not on duty at the moment, but ready for duty at different places along; the sentries were stationed in sentinel boxes; afterwards there was what we termed an outer and inner stockade erected around the whole place; there were two forts, I think, one on the left and the other on the north side; also a breastwork. The guards in the sentry boxes could look over the whole field and see things that were going on inside; I think they could detect anything unusual that might be going on.

SHOOTING OF PRISONERS BY THE GUARD.

By COUNSEL for the accused:

I think it is the usual custom in our army, as well as others, to shoot prisoners when they attempt to run away; I did not see any shot when they attempted to run away; I never was in any of our prisons, and can only speak as to prisoners being shot for looking out of the windows, from hearsay; I should expect that a soldier would be shot for attempting to run the guard; it would not have been more strange if they were shot there than in our lines, if they had been shot while in the act of running away; some were shot there that were not caught in the act; there was one case, I cannot give the name of the man; he belonged to my ward; one evening he was cold and went toward the fire; the guard was outside of the board fence, and inside, near the fence, there was a row of fires; the man came up toward the fire, perhaps not ten feet from the fence; a soldier pointed his gun through the fence and shot him; I do not know what he shot him for; there was no perceptible cause; it did not appear so to me; there were no words or quarrel between them; I have every reason to believe the shooting was intentional; I know of no reason for it unless it was because he was going to the fire; that was his only offence; my reason for supposing the man was shot intentionally is from the fact that a guard on duty generally carries his gun up, and in order to shoot the man, the guard must point his gun midway through the fence; it appeared to me that the shooting could not have been accidental; I do not know but that is the only reason; I do not remember seeing any of the guards sitting down with their guns resting on their arms, while on duty; I think this occurred in August; I do not know that Captain Wirz had anything to do with the shooting of that man directly; I could not swear positively that I saw any other soldier shot.

THE ORDER OF WIRZ TO FIRE THE ARTILLERY UPON THE PRISONERS IF THEY HUDDLED TOGETHER.

I think it was in September when Captain Wirz ordered the prisoners to be fired upon. I cannot give the exact date; it was somewhere near the time Sherman took Atlanta. The orders which he gave were to the effect that if the prisoners huddled together at a certain point, to fire. I heard those orders given. He gave them to the gunner—to the man in command of the battery. I took it that he spoke to the gunner. If I remember rightly, it was a 10-pound rifled piece. There was more than one gun there; I don't remember rightly how many. He gave a special order to his gunner; he was standing by his

gun; I cannot give the exact distance; I should say it was from 300 to 400 rods from the centre of the prison to that point; I think it was down here near the front gate. (Witness here pointed out the position on the diagram.) I did not take it as a general order, but as an order to that gunner. I cannot give the exact date; it was when they were removing the prisoners from the stockade to other places in the south. The fort was manned at that time. I cannot tell how many men were in it at that time; there may have been twenty, or there may have been two hundred, for aught I know. I saw what I supposed to be officers there; I took them to be first lieutenants. I do not recollect seeing any general there that day. I do not recollect seeing General Winder standing by that gun; I am not sure as to that point; I think he might have been there without my knowing it. I knew him at that time as the man pointed out to me as General Winder. I never spoke with him. I judged that Captain Wirz was in command there, from his actions. I do not remember that he referred to any other officer at that time. I was there only a short time. I was not in any other fort that day. I was not in that fort; I was just outside, about the dispensary; perhaps twenty feet from the end of the fortification. There was a column drawn up in line of battle on the north side of the stockade, in companies, a distance from each other; they were not the guard that were on duty. The sentinels were at their posts. I saw companies scattered around generally. I do not know whether all the other forts were in immediate preparation for attack or defence, only judging from appearances. I merely spoke of those companies being drawn up. I took them to be in line of battle. They were under arms. I think that they were more watchful, of course, at that time than they had been previously. They were better prepared, to all appearances. I should judge the troops were on active duty; as far as I could see, that was the condition of the whole post at that time. They were expecting General Kilpatrick; at least I supposed they were. I do not recollect that I heard Captain Wirz order that gun to be fired on prisoners at any other time. I heard him say once to a guard that if the Yanks undertook to escape, he was to shoot them. I heard these two conditional orders; I do not recollect any other. The order to fire on the prisoners if they were escaping was not the only order I ever heard. They were to be fired upon if they huddled together inside the stockade. That was the order to the battery. I think those two are the only orders I heard; one as to the 10-pound gun, and the other as to prisoners escaping. I do not know in what capacity Captain Wirz gave those orders, except it was as commander of the post or of the prison.

THE DOGS.

I saw the dogs while I was there; they were a species of hound—not the full-blooded hound—a mixture. They were of different colors; white, and yellow, and spotted. They had also one large dog, which, I think, they called "catch-dog;" I think he was a bull-dog, or a bull-terrier of some kind. I could not say positively whether either of them was a dark brown dog. I remember there were some spotted ones. I know what is usually termed a fox-hound. I am not a judge as to whether any of those dogs were fox-hounds, or partaking of that breed; I cannot say. I do not know that they were blood-hounds. I do not know that I ever saw a full-blooded bloodhound. I have seen five or six dogs there together. I do not know the exact number there was there. They appeared to be in the charge of a man named Turner; he had a horn to direct or train them. I do not know how long they had been there. I did not see them when I first went there. I first saw them, I think, in June. I heard before that of their being there. I saw them quite a number of times; I do not know how many. I have seen them very often taken around the hospital, where some Union prisoner had made his escape. I cannot say

that I have at any time seen Captain Wirz direct those dogs. I judged that Turner managed them. There were no written or printed orders in relation to the dogs that I know of.

MEN MANGLED BY THE DOGS.

I spoke of a man being chased by the hounds. I knew that he was chased by them from the wounds he received, and from his own words. I am not able to say, positively, that I saw them chase that man; but I have seen them chase others. The only means I have of knowing that that man was chased by the dogs, is from his wounds and his own words. I don't remember the names of any of the men who died from wounds inflicted by the dogs, or from ferocious and inhuman treatment. I remember men dying there, but I cannot give their names. The only case of death from personal violence, that I remember, (if you call that personal violence,) is the man who was bitten in the neck; he died from gangrene.

THE ILLNESS OF WIRZ WHILE IN COMMAND OF THE PRISON.

On the 7th of September, I think, I went to Captain Wirz's office to get my pass renewed; he renewed it. I was in the office many times. My object in getting the pass renewed was that I might pass in and out of the hospital at certain hours. I think it was the 7th of September I received that pass from Captain Wirz, with his signature to it; I will not be positive about the date. I do not recollect having any personal interview with Captain Wirz from the middle of July to the middle of September—I think about the 7th, but I will not be positive. I heard of Captain Wirz being sick while I was there; I do not know it of my own knowledge. He was complaining when I got that pass. I should judge he was not very strong at that time; he looked worn and thin—rather emaciated. I would not be able to judge how long he had been sick.

PROFESSIONAL OPINION OF DR. BARROWS AS TO THE PERCENTAGE OF LIVES THAT MIGHT HAVE BEEN SAVED BY PROPER TREATMENT.

By the COURT:

Q. Are you prepared to give professional opinion as to the percentage of deaths that might have been averted by proper treatment?

A. I have talked that matter over frequently, while there, and since. It has been my honest opinion that, had we had proper food, clothing, quarters, and everything necessary to the sanitary condition of men, probably from seventy-five to eighty per cent. might have been saved under favorable circumstances.

AUGUST 26, 1865.

ROBERT K. KELLOGG, for the prosecution:

I was at Andersonville, Georgia; I entered there on the 3d day of May, 1864, and left there on the 10th of September of the same year; I went with a body of prisoners; I think there were some four hundred of us; I was taken from Plymouth, North Carolina, to Andersonville by railroad.

CONDITION OF THE PRISONERS IN THE STOCKADE.

We entered the prison on the 3d of May, 1864; we were the first captures of the campaign. When we entered the prison there were no men there but old prisoners who had been removed from Belle Island, Libby prison, and other places to that point. They were ragged, nearly destitute of clothing, and many of them were nearly naked; they were totally unprovided with shelter, with the exception of that which tattered blankets could afford them. They looked nearly starved; they were skeletons covered with skin. The prison at that

time was very crowded, at least it appeared so to us then, although there were thousands brought there after that. We were all led in by a rebel sergeant and showed a place near the brook, which we were told would be our place, and where we were to stay; we were to fall in there every morning for roll-call. There was no shelter provided for us at that time, or at any other time while we were in the prison. We were fortunate enough to be allowed to retain our blankets, and with them we erected shelters which protected us from the heat of the sun, but not from the rain. They did protect us from the rain for a few days, but soon they become so worn as to be utterly useless against the rain. The men were in a very filthy condition; indeed they had very poor opportunities for keeping clean. There were but two issues of soap made to the prison while I was there, from May to September, and men who were cooking over their little fires with pitch-pine knots would get smoky and dirty and would not be able to get off the dirt with mere water. When we first went there the nights were very cold indeed; that soon passed away as the season advanced, and during the summer it was intensely hot. I made a memoranda of the rainy days while there. There were twenty-one rainy days in the month of June. When my regiment went there the men were healthy; after that they gradually sickened, until I remember one morning at roll-call, out of my ninety men there were thirty-two who were not able to stand up when the rebel sergeant came to call the roll. They were unable to stand up principally from scurvy and diarrhœa; were a great many of the men who had their limbs contracted and swollen so that they couldn't stand up. It was on the 21st of August, and we got there on the 3d of May. A number of the men of my squad of ninety had died at that time, but the vacancies had been filled by new arrivals. Of the four hundred men captured with me, nearly three hundred are dead. They died in the prison or a few days after being paroled; and that is a larger percentage of living than there was in many a regiment. The twenty-fourth New York battery, which was captured at Plymouth, was nearly annihilated. I have seen Captain Wirz in the prison frequently. He usually came in more often than otherwise mounted on horseback. He would ride inside the dead line and examine the prison. I never heard him give any orders. I cannot say that I ever saw him perpetrate any acts of cruelty on the men—not to my personal observation. I was in the stockade all the time; I did not go out of it with the exception of few times for wood.

SHOOTING OF PRISONERS BY THE GUARD.

I recollect the dead line there. I do not know what the orders were in relation to it, but I know that the effect of trespassing upon it was death. I have seen the penalty enforced—I have seen sentries shoot. I cannot say that I saw men die from gunshot wounds by sentries there. I saw a man who had been shot. He was not dead then. I do not know that he died. I do not know in what part of the body he was shot. I saw him carried on a stretcher to the hospital. He was a cripple, or one-legged man. I heard the report of a gun. It was near the entrance-gate to the prison. I went up there, and I saw the man being carried to a ward in the hospital, which was then inside the prison. It had not been removed outside then. There were other cases of shooting by sentinels. I came near being shot myself once. I have seen sentinels shoot at other times than the time I have spoken of. It was the second day after my entering the prison—the 5th of May. Some men had escaped from the prison the night previous, by means of a tunnel, and the orders that morning, at roll-call, were very strict indeed. They tried to ascertain from what squad the men had gone. We understood the order to be, that no one should cross the swamp. I understood the orders to be, that if any one crossed from one side of the prison to the other, across the swamp, he would be shot. My squad had

had its place assigned to it by the side of the brook, and but a few feet from it. I thought that it would be no violation of the order to step to the side of the brook, and wash my hands. I did so. I sat by the side of the brook, and suddenly the boys gave a cry of warning, and I heard a gun snap. I looked up, and saw that the sentinel on the stockade had leveled his piece at me, and fired; but the piece had missed. I immediately got away from that vicinity. I was not fired at on any other occasion. I never heard any threats made to shoot men. I have seen sentries fire from the sentry posts at men. I have seen them firing at men who were dipping water out of the brook, just under the "dead line." I remember, one afternoon, seeing a sentry fire his piece at a man in that way. I do not recollect whether the man was killed or not that day. I could not swear that anybody was hit that day. Shooting by sentries was a frequent occurrence; so that, after a while, we did not notice it so much as we did when we first went there.

THE SUPPLY OF WOOD.

Our supply of fuel was not regular, nor sufficient. We were allowed, several times, to go out under guards—six men from a squad of ninety, or eighteen men from a detachment of two hundred and seventy—to bring in what we could find in the woods, on our shoulders; but the quarter part of the time we had to rely upon our supply of roots, which we dug out of the ground, or grubbed for in the swamp—pitch-pine roots. I mean the swamp in the stockade. We dried them, and made fuel of them. Part of the time rations were issued raw, and part not; many times when there were raw rations issued there was not fuel issued for them. The squad of ninety men of which I was sergeant went from the 30th of June to the 30th of August without any issue of wood from the authorities.

CONDITION OF THE WATER.

The most of the men had to depend on the brook for their water, and that, at many times, was exceedingly filthy. I have seen it completely covered, almost, with floating grease, and dirt, and offal. I have gone in barefoot, when it was so dirty that I had to go out, as I was getting all over with grease and filth. It was not always so, but very frequently so. They had to depend on the stream for water, because it was all they had, except that, after they had been there some time, they dug some wells; and there were some springs along the south side of the prison, by the edge of the hill, near the swamp, but the supply from that source was entirely inadequate. It supplied the wants of a few.

THE RATIONS.

The quality of the rations, as a general thing, was poor. The quantity greatly varied, so far as my observation went. There were days when we got nothing at all. I made a note of at least two such days, and have the dates here. There were other days when we got but very little. There were other days when we got enough, such as it was. There seemed to be, somehow, great irregularity in the rations. I do not know how to account for it.

Cross-examined by COUNSEL:

I enlisted August 11, 1862, and was mustered out June 1, 1865; I was captured April 20, 1864; I was then taken directly to Andersonville; I was not at any other confederate prison before being at Andersonville, but I was afterwards; I knew nothing about prison life before I went there; I was confined at Charleston and Florence, S. C.; I enlisted as a private and was mustered out as a sergeant-major; I was a sergeant-major at the time of my capture; no special privilege or favor was shown me at Andersonville in consequence of my rank; I was treated in all respects the same as other prisoners; I do not

know that any one had any favor shown him in consequence of his rank; rank was not respected there; they were all generally treated alike, so far as I saw.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was in the stockade all the time I was confined there, with the exception of a few times, when I went out under guard after wood, or something of that sort; my squad was on the south side of the stockade, by the edge of the brook. (Witness here indicated the locality on the diagram.) That is the place on the southwest end of the stockade; I don't know that my position was less healthy than the position of other prisoners; the men in the squads at the top of the hill appeared to die as fast as the men at the bottom. It would seem to be reasonable that those furthest removed from the swamp would be healthier. The soil differed in different parts of the prison. On the south hill side the soil was sandy; we could not tunnel there, as the tunnels would cave in. On the north side of the prison it was hard, red earth. If there had been no body of troops or cattle or anything of that kind to trample it, the soil would have been the ordinary soft sandy southern soil, with the exception of the swamp in the centre of the prison; the swamp occupied four or five acres; I don't know how many acres the whole prison occupied, but I should think about sixteen or seventeen acres, that is before it was enlarged; I think the swamp was about the fifth part of the whole; the swamp ground was not occupied at all; they could not live on it; there was a sort of island on one end of it where a few men staid, but the prisoners could not live in swamp or mire up to the neck; our prisoners were turned into the stockade and left in a great measure to shift for themselves; they could not occupy the swamp ground; the prisoners were allowed to go to any portion of the stockade except the dead-line; the prisoners on the south side could go clear over to the north side, or east and west sides; my squad was ordered by the sergeant, or whatever his rank was, who put us in there, to stay in that place; that was where we were to fall in at roll call every morning, and where we were to live; I cannot say that it was for any other purpose than simply as a mere regulation, to have us in some kind of order when we fell in; the prison was very much crowded, and that seemed to be an available spot at that time; I know of no other reason for putting us in that particular place; of course I did not know their reasons for putting us there; I do not know anything as to how that stockade came to be built around the prison; I do not know how the dead-line came to be made just inside the stockade; I know that it was made; it was made before I went there; I do not know anything about, or by whom, or when it was made; I do not know anything about the condition of these prisoners when they came from Belle island; I was not there when they came; I think I have seen some come there from Belle island, but will not be positive; I have seen them come from Danville; they were about on a par with the old prisoners, but in a much worse condition than the new arrivals; I saw several hundred who had come from Danville; in some instances they had their blankets and other clothing with them; they seemed to be a little better provided than the old prisoners whom we found there when we went there; I think they were stouter; I did not see these blankets taken from them; the Plymouth garrison were allowed their blankets by General Hoge; I never saw a prisoner have his blanket taken from him by Captain Wirz; I have seen hundreds coming in robbed of their blankets and everything else, and have heard their statements; I never saw Captain Wirz take a blanket from any one—it was done outside; I never heard him order a blanket to be taken away from any one; I never saw or heard Captain Wirz take or order to be taken from any prisoner, anything that contributed to his health or comfort; I did state that there were twenty-one days more or less rainy in June—days on which

rain fell; I was then within the stockade; the rain did not improve the condition of the stockade—it made it very muddy and filthy; it was in a worse condition than ground like that would have been in ordinary camp anywhere, in field service; it was filthier and muddier—there was not good drainage there; it was very much worse than it was in dry weather; I think Captain Wirz could have made some arrangement inside of the stockade, other than what was made, in regard to the comfort and convenience and accommodation of the prisoners; I think there might have been police arrangements established that would have kept the prison in much better order than it was; there was no guard duty done inside the stockade; I cannot say who did the police duty inside the stockade; they were some of our own men who acted as a sort of police squad, but they were very inefficient; somebody was to blame for not seeing that those men did their duty; I cannot tell who it was; he ought to have been severe upon them; I am speaking in regard to the police force; I do not think that they did their duty, and I think that somebody ought to have made them do it; I don't know under whose charge they were; with such rainy weather no person could have been made comfortable with no blanket and without shelter; there were two days I remember when we got nothing to eat, the 3d of July and the 11th of August; I don't remember now the cause; I know nothing about the transportation there; I don't know that the reason was the insufficiency of the transportation; I don't know that Captain Wirz had anything to do with my not having anything to eat; Captain Wirz one day did me a kindness; one day when I went out after wood I accidentally left my knife in the woods, and I did not discover my loss till I got back to the prison; I hailed Captain Wirz, who was riding by, and he went back with me, and I found my knife; I considered that an act of kindness at the time, and I do now; I never knew anything about Captain Wirz refusing to do any act of kindness that was asked of him by a soldier; I never saw him commit any wilful or malicious acts towards our prisoners; I had no dealings with him.

By the COURT:

There was an opening in the old stockade of about ten feet wide; it opened into the enlargement. The rebel sergeant came in and gave the orders that all the detachments above the number of forty-eight, I think, (which made about 13,000 men,) should get into that new part within an hour's time, or else their bankets would be confiscated.

THE SUPPLY OF WOOD.

By COUNSEL:

I remember having permission four times to go out of the prison. I once went to Captain Wirz's office, and I remember two other times when I went after wood, and I think once more I may have been gone an hour and a half or two hours, I think. I went out under guard to bring in wood. They allowed six men to go from each squad of ninety, eighteen men from a detachment. Captain Wirz never prevented me from going out at any time. We could not go out in any way except with a squad. It was no use to make application to go out alone. We did not make application to any one in particular when we wanted to go out with a squad; we fell in with our proportion of men. I think orders came from the sergeant at the gate that such and such a detachment could send out men that afternoon for wood. They selected their own men; those that were stoutest, and could bring in most wood. I cannot tell what the greatest number was that went out at any one time, and I do not think I could make an estimate. I merely had to do with my own detachment or squad. I saw other squads go out but could not tell how many. We went out in this way at different times when I was there; at one time men took ad-

vantage of being out in the woods with the guards, and muzzled and overpowered them and made their escape. I think a man would rather die in that way than die by inches in the stockade. It would have been safe to have sent out many of our prisoners at a time if they had sent a large enough guard with them. No man would have been such a fool as not to avail himself of an opportunity to escape. It would not have been safe to have sent out many of our men without a large guard. I should think that six men and a corporal, with arms, ought to keep guard over twenty men. I cannot recollect in what months I frequently saw these squads go out. I never knew of Captain Wirz preventing a squad from going out after wood. After these attempts to escape the prisoners were prevented from getting wood.

CONDITON OF THE WATER.

I have seen our prisoners inside washing in the brook; I have washed there myself daily. I cannot tell how many wells they had inside the stockade; I remember eight or nine, I think. The whole of the base of the south hill was springy; there were small springs all along the base of the hill, but they furnished very little water. I heard Dr. Bates's description of a well the other day. These nine wells were not like that—they had water in them; the springs had a little water in them. It is very hard work to dig wells with nothing but spoons or half canteens. The soldiers dug the few wells that were in there; they dug them with spoons and pieces of plate or anything they could get hold of. I speak of one well especially which was near me. We had to dig with what things we had of our own; in some cases the men borrowed a spade from the police squad; we got some made in that way. I saw a well dug in the stockade; we had a well right near my place; we dug it, I think, with a tin plate and half canteens; we would take a canteen and split it in two. I have seen other wells dug, but I do not remember with what they were dug. Late in August, shortly before I came away, there were some spades that we could have got, a few spades that sergeants of detachments could get. They were for the purpose of covering up filth and cleaning up our quarters. The soldiers never dug a well with them; they could not have dug wells with them if they had been disposed to do so, for they were needed for the uses I have stated all the time. They had to be turned in at a particular time. I do not know that any application was ever made for a spade with which to dig a well; I do not know of any application being made or refused. I have no reason to suppose that Captain Wirz would refuse an application for a spade to dig a well with. The ground inside the stockade sloped from both sides of the stockade down to the centre, towards the swamp, making two hill-sides It was about level from the upper side where the brook came in to the lower side; it sloped just enough to allow the water to flow through slowly. The water in the wells was very fair. One great objection to digging wells was that we needed all the room to live upon. We ought to have had more room. If there had been more wells the prisoners would have been more crowded than they were; a few more might have been dug if we had had instruments with which to dig them. They had the instruments at one time, the latter part of August, about the time I came away.

AUGUST 28, 1865.

THOMAS C. ALCOKE, for the prosecution:

I have been in the military service of the United States; I was captured by the enemy at Tupelo, Mississippi, on Wolf river. I belonged to the seventy-second Ohio infantry. I was taken to a prison at Holly Springs, Mississippi, and from Holly Springs to Jackson, Mississippi. I was taken to Andersonville; I reached Andersonville some part of the summer of 1864; I cannot say what time.

MONEY AND VALUABLES TAKEN FROM A PRISONER BY WIRZ.

When I arrived at Andersonville I was searched and my arms and money taken from me; Captain Wirz took them from me; I know Captain Wirz. [The prisoner, by direction of the court, stood up and was identified by the witness.] He took from me a belt with $150 in gold, and the balance in greenbacks, amounting to $280 altogether. He also took from me my pocket-knife, a breast-pin, and a gold ring that I had in my pocket-book. He never returned any of the property to me.

SHOOTING OF A PRISONER BY WIRZ.

One day there was a man sitting down, a kind of weakly man. Captain Wirz passed in the stockade, when this man got up and asked him if he could go out to get some fresh air. Captain Wirz asked him what he meant by that. The poor fellow "wormed" around and said he wanted air. There was something said, when Captain Wirz wheeled again, pulled out a revolver and shot him down. This was some part of the summer, two months after I got there. The ball took effect in the breast; he died in about two or three hours afterwards. After that I was standing pretty close by; I said something to Captain Wirz that he did not like; he turned around and said I had better look out or he would put me in the same place. I spoke in the way that I have, saying that I was not a bit afraid of it. Pretty soon afterwards Captain Wirz came in with a corporal and two guards and put me in irons. He kept a ball and chain on me the whole time I was there. I kept working at the ball and chain every day, and at last I got it so I could get it off, and I made my escape from the prison. I went from the prison to St. Louis, from there to Memphis, and from Memphis to my regiment. The man that was shot belonged to the eighth Missouri; they called him "Red" in the regiment; I could not say what his name was; I knew him at Memphis; I saw the man fall, and I saw the boys look at him; we all gathered around at the time I was teasing Wirz; I saw the man drop and he never got up any more. He lay there till the next day; some of the boys went to Captain Wirz and asked him if they could not carry the body out; he said they could. They carried him to the gate of the stockade and he lay there till the next day. I saw the pistol in the hands of Captain Wirz; I saw him pull it out; they were about four and a half feet apart. This occurred in February, I think; February or June or along in there. I cannot say for certain in what month it was.

SHOOTING OF PRISONERS BY THE GUARD.

At one of the springs where we used to get water we had a long pole to reach over and get the water, as if we got over too far the guard told us it was their orders to shoot us. Once in a while the men were so thick that one would be shoved over the mark, and as soon as he was the sentinel would shoot him down.

Cross-examined by COUNSEL:

My home is in Cincinnati, Ohio. I was born and raised in Hamilton county; I left there to go into the service in 1861; I went into the seventy-second Ohio. I remained in that regiment three years, including the time I was a prisoner and the time I was in hospital. I was in prison between six or eight or nine months, and in the hospital two months from the time I got shot. We were captured at Tupelo, Miss., directly after the fight with Sturgis's raiders. We were captured by some of the eighteenth Mississippi. They took me to Holly Springs, from there to Jackson, and from there to Andersonville. They kept me at Holly Springs three days, at Jackson two days, and then took me direct to Andersonville. I had been in the service about a year and five months

when I was captured. I had not been at home at all; I had been in active service one year and five months at the time I was captured.

MONEY AND VALUABLES TAKEN FROM A PRISONER BY WIRZ.

I got the $150 in gold at Jackson, Miss. I made a raid on it and captured it, and Captain Wirz captured it from me. He had no right to. I took that money from the root of a tree. That tree was in Jackson, Miss. It was not in any particular yard; outside of the yard, in the woods; not exactly away out in the woods; about two hundred and fifty yards from the house. A negro showed me where it was and I dug it up. I do not know what the negro's name was, or to whom the gold belonged. I never got any of my money back; he turned it over to Colonel Gibbs. I did not apply for it; I could not. I made my escape from there and I did not want to go back and apply for it. I had been there two or three months before I escaped—till I got the ball and chain so that I could get it off. I do not know in what month I made my escape—in some part of the summer. It was warm weather—hot. The first place I stayed when I made my escape was in the woods, about twelve miles off. In the morning I travelled about four miles.

SHOOTING OF A PRISONER BY WIRZ.

I had been in the stockade about two months before I saw this abuse by Captain Wirz. It was pretty fair weather during those two months. It only rained twice to my knowledge. It was mild summer weather. I cannot answer what kind of weather they had for two months before February in any part of the country, nor the kind of weather they have for two months before June. I had seen Captain Wirz twelve or thirteen times before this assault. I have seen him riding around on his horse, or walking around the prison. He rode a kind of roan horse, with long dark mane; his tail was the same kind as his mane. I cannot say, for certain, how many times I saw him riding that horse. I think a hundred times—not before this assault; I saw him ten or twelve times before this assault. I have seen him about four times before that assault without a horse, walking around the prison and stockade. I was near enough for him to rub up against me. I spoke to him and told him that I wanted to go to the hospital. He asked me what the matter was with me. I told him that my eyes were hurting me. They were affected with inflammation and cold. He let me go to the hospital about four days afterwards, about the time it was too late; my eyes did not get well in four days. I mean by saying that it was too late, that my eyes got worse, and have been worse ever since. I cannot tell the name of the man I saw him assault. I saw the man before at Memphis. He was a soldier in the eighth Missouri. I never saw him from the time I saw him at Memphis, until I saw him inside the prison. I had not seen him for pretty nearly a year before. [The diagram of the prison was here shown to the witness.] I never saw that map before. It was on the north side of the brook, where Captain Wirz made that assault; [witness indicates locality on diagram;] about five hundred yards from the brook, I reckon. I am sure it was on the north side of the brook. I know the place, and all of five hundred yards from the brook, and about fifty feet from the dead-line. I am sure it was on the north side of the dead-line. The dead-line was about five feet from the stockade. There were a great many men around when this occurred, whose names I do not now. I expect they saw the shooting. It was between 3 and 4 o'clock in the afternoon. I do not know what day of the week it was; we did not know one day from the other there; we did not know Sunday when it came. I do not know what time of the month it was; it was very hot weather, real summer weather, not scorching. I did not feel it scorching me very much. I have seen Captain Wirz since; I have seen him since I have been in town, every

day. I never saw him at any other time after that onset in the stockade. He had on citizen's clothes. He had on a gray coat, which they called there military—a regular gray uniform, and a kind of brown cassimere pants. They were not military pants. He had a gray hat on his head, what they called military. He came in some days in citizen's dress. He had on a regular uniform the time the man was shot. He had on a gray coat, an officer's coat, when he shot this man. He had on military pants, and military hat. His belt was over his coat and the pistol hung on the left side; he took it out with his right hand and shot the man. He asked the man what he wanted by asking him such a question as that. The fellow "wormed" around, sort of cool, and walked away. Captain Wirz went towards him and asked him what he meant. He said he did not mean anything. He turned round in the same way, talking, and Captain Wirz pulled out his revolver and shot him down without any more words. He said to this man, "what do you mean?" in a coarse kind of Dutch way. I cannot speak it myself. The man went up to the captain and saluted him in the way any man ought to do, and asked the captain if he could get out and stay in the cool. Captain Wirz said no. The fellow turned round and "wormed," and Captain Wirz asked him what he meant by it. Captain Wirz said "look out," in the Dutch language. I did not understand it, but a good many Dutch fellows there said what he meant. He pulled his revolver out and shot him in the front, face to face. The man was quiet and inoffensive. Captain Wirz talked very loud to him—all the words could be heard. Not more than about five words went from Captain Wirz's mouth. I did not see where Captain Wirz came from at that time. I had not seen him for a few minutes before that. Just saw him come up, and I saw the fellow go up to him. He came from the direction of the gate. I am almost blind and cannot show it to you on the diagram. I think he came from the south side of the prison. About the first I saw of him was when the man was going up to him about eight or nine steps from me. He was not talking to any one as he came up, he was by himself. He was walking along, and the fellow met him, and on that accidental meeting he shot him on the spot.

By the COURT:

The entrance gate is on the south side of the stockade. [The diagram of the prison was here shown to the witness.] I cannot see that; the prisoner came from the direction of the gate.

Q. In your examination in chief you said that you saw the prisoner a number of times after he shot this man; and in your cross-examination you said that after that, you did not see him at all; which do you mean?

A. I saw him in the prison, of course, before I left; after I got away I did not see him any more until I came here; I saw him several times after he had shot the man, in prison.

By COUNSEL:

A. I made my escape about two months after this shooting; I saw Captain Wirz the next day after he shot this man; he came the next day and ordered me to be put in irons; I saw him about a hundred times during those two months.

AUGUST 28, 1865.

BOSTON CORBETT, for the prosecution:

I have been in the United States service the most of the past four years; I was captured near Centreville, Virginia, and conveyed to Andersonville, Georgia; I arrived there 12th of July, 1864.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Before we entered the stockade we remained in front of the headquarters for some time, to be told off in detachments, numbering 270, divided into 90's;

while there I was excessively thirsty, and asked a man who was there near Captain Wirz's headquarters (in some small tents) for a drink of water; the reply was that he dare not give it to me; he was not a guard; he was one of our own prisoners; there were a good many of them outside, on their parole of honor. Another man in the squad was sick, and he reported himself to a lieutenant of the guard, and asked if he could not be sent to the hospital, or have some medical treatment; the officer told him, no, that nothing could be done for him till the morrow, and that he must go into the stockade with the rest of us. After entering the stockade, I found nine men of my own company there, who had been taken to that place some three and a half months previously, eight of them were inside, and one had been taken to the hospital outside; I did not see him but knew of his being there; within two months time six out of those nine men died; and before I left the stockade, out of fourteen, including five who were captured with me, there were twelve dead; but two of us returned alive. The prison was very horrible on account of the filthy condition of it; the swamp which runs on each side of the small stream that runs through the stockade was so offensive, and the stench from it was so great, that I remember the first time I went down there I wondered that every man in the place did not die from the effects of the stench, and I believe that that was the cause of the death of a great many of our men; it was a living mass of putrefaction and filth; there were maggots there a foot deep or more; any time we turned over the soil we could see the maggots in a living mass; the soldiers were not compelled in all cases to wade through it to get to the stream; in some cases I have seen them wading through it digging for roots. Having no fuel allowed to us for a considerable length of time we were obliged to go there for the purpose of digging for roots; those roots, in one day's exposure to the sun, became thoroughly dried, and the next day we could use them for fuel; this was necessary because they did not furnish us with the necessary wood for cooking purposes. In September or October, a large number of men were taken from the stockade to work outside, perhaps two or three hundred or more; they worked upon a building southward from the stockade outside of it; what the building was for I cannot say, although it was said it was to be a hospital; but I know very well if the same number of men had been employed in procuring wood outside they might have built quarters inside to protect us from the weather; it was the night rains which brought on sickness; we had no protection from the rain or the sun; I was willing to go outside and work; I would have been glad of the chance; that was the general feeling among all the prisoners; I know it was the general desire to go out; we had no opportunity to talk with Captain Wirz about it.

CONDITION OF THE SICK IN THE STOCKADE.

I have seen around the swamp the sick in great numbers, lying in a line pretty much as soldiers lie when they lie down to rest in line after a march. Going down in the morning to the stream for water, I could see here and there those who had died during the night, and in the daytime I could see them exposed to the heat of the sun, with their feet swelled to an enormous size, and in many cases large gangrenous sores, without bandages to cover them, and the sores filled with maggots and flies, which they were unable to keep off. I have seen men lying there in a state of utter destitution, not able to help themselves, lying in their own filth. They generally chose that place—those who were most offensive—because others would drive them away, not wanting to be near those who had sores. Others chose it because of its being so near to the sinks. That was the place where the worst cases generally were. In one case a man died there, I am satisfied, from the effects of lice. When the clothes were taken off his body the lice seemed as thick as the garment—a living mass. Our food was very insufficient. Even when a ser-

geant of a detachment received his double ration, it was not enough for him. A sergeant in charge of ninety men received a double ration for his trouble in calling the roll, reporting the sick, &c. During the first month of my imprisonment there the sick were reported, and in some cases they received medicine. During the latter part of my imprisonment they received no medicine whatever. I believe no medicine was given inside the stockade during the last six weeks or two months; during that time I myself was very sick. The doctor would come around and look at us at times. The only thing he ever gave us in the way of medicine was some sour meal-water. Twice they gave me that as belonging to the scurvy patients. They called it vinegar. It was merely water laid upon sour meal. Our own men made a better article inside the stockade, which they called sour beer. The sick were carried to the south gate at roll call, and those who could get carried out were carried out. There was a second enclosure inside the hospital—a wooden railing with guards to keep the men from going beyond the line. There the sick would be laid. There were six detachments assigned to one doctor's care, and the sergeant would have to see that the men were in their own places. The doctor would examine them, and would select one or two of the very worst cases to be sent to the hospital, when there would be perhaps twenty or thirty sick men in the detachment, so that the number that got to the hospital was very few in comparison with the number of those that were carried there awaiting to be taken out. I had myself to carry out one of my comrades three times. The fourth time he was taken to the hospital, and he died a short time afterwards. In some cases men died while waiting at the gate to be carried out. I have seen them dead there myself. The greater part of the time the four men who were assigned to that work by the sergeant of the detachment would carry them out, and in return for carrying them out, they were allowed to gather wood outside the stockade, which they would bring in. Every man bringing in an armful of wood might sell it if he chose; and he would generally sell it to other prisoners for about a dollar. The men got so hardened to death, being so familiar with it, and seeing it so constantly before their eyes, that I have often heard those who could not get a chance to carry out a dead man, say to those who did, "That is right; trade him off for good wood." If those things are not horrible, I do not know what is. I have stated that the condition of the place was horrible; I have seen these things. Scurvy was a very general disease there; there were hundreds of cases all around. It afflicted me by swelling my feet and legs very much, contracting the cords of my leg so that it was crooked so I could not straighten it; I had to limp in walking. Others were much worse, and had to crawl on the ground or walk on crutches. The gums would get exceedingly sore; the teeth would become loose and would frequently come out. In addition to that there would be a growth of raw flesh on the gums, both inside and out. In one case, a comrade belonging to my company had such flesh grow from each side of the mouth until it formed a second growth, making it impossible for him to eat such coarse food as the corn bread that we received, or anything of that nature. My gums frequently bleed, still. Very many were afflicted in that way. There were some barrack buildings put up at one end of the stockade, sort of shed-barracks, not enclosed on the side. The sick were gathered there as an inside hospital. I think there were upwards of a thousand patients there at the time. As I went there from day to day, I found that for two days they had received nothing in the way of nourishment or as rations, except boiled beans and molasses, which caused the death of a great many. Each morning there were cords of them laid out in front of this building, dead. I noticed that whenever we had an extra cold night the number of dead laid out in front of those sheds would be very large. I mean that if they were piled up like wood they would make several cords. One morning I noticed the body of one dead man which was so very offensive that I had to step aside and go away.

How long that body remained in that neighborhood I do not know, but it certainly must have been very injurious to the health of those in the barracks close by; I know that it was so.

CONDITION OF THE WATER.

The water that passed through the stockade was often very filthy. Sometimes it was middling clear, but generally it was not good to drink. I was often compelled to drink it, nevertheless. At times I would go to those who had wells dug. Sometimes they would give me a drink and sometimes they would not. I received such rough usage and language from them that I have turned away parched with thirst, and drank the bad water from the stream, rather than beg it from the men who had the wells. In the portion of the stockade where I was it was pretty high ground. It was called the new stockade. There were some wells dug there. Probably one of them was the well that Dr. Bates described—very deep, but with no water. We had to go down to the stream for water, or to beg it from those who had wells near the stream. There were a great many away from that stream who were unable to get at it. I have seen a man lying within a few feet of that stream who was unable to get water for himself, and I have carried water to him. I have often seen men dead near there.

THE CHAIN GANG.

I observed outside the stockade some forts, some guns near the headquarters, and around the building near the headquarters I noticed several men with heavy balls and chains. They were exposed to the heat of the sun. The heat was so great that I have the marks upon my shoulder yet.

THE STOCKS.

I have seen the stocks when I went to help to carry a comrade to sick-call, but I do not recollect seeing any one put in them. They were exposed to the sun so that any one in them would have to be exposed to the heat of the sun.

THE DOGS.

I know of hounds having been kept there for hunting and re-capturing prisoners who tried to escape. In the month of October, 1864, we were allowed in certain instances to go outside the stockade, under rebel guards to bring in wood for fuel. For some months previously we had not been allowed such a privilege. I told some of my comrades that the first time I got outside the stockade I should try to escape. Being one of a party of twenty who went out in that way, after going some short distance from the stockade, perhaps half a mile, (more or less,) I watched an opportunity and made my escape from the guards. I got some short distance and secreted myself. While I was there they came in pursuit of me, but my hiding place was sufficiently secure, and they could not find me, although I heard my name called and heard men passing close by me. I lay there perhaps an hour or two, when I heard the yelping of dogs in the distance. The man with the hounds evidently thought that I was further off, and he had taken them to a considerable distance. I heard them in the distance; then nearer and nearer, till they finally approached me, and one actually rubbed his nose against my face. I was ready for a spring, and intended to grapple with him; but the dogs, instead of tearing me, made a circle and kept running about me until the hunter came. He immediately called the dogs off and told me that I would have to go back with him. He put up his pistol and talked pretty clever to me. He said, "The old captain told me to make the dogs tear you, but I have been a prisoner myself and know what it is to be a prisoner, and I would not like to do that." Speaking kindly to me, he took me

back to headquarters. The first question of Captain Wirz was, "Why did you not make the dogs bite him?" evidently showing that he had given the order which the man had told me he got. The answer of the man showed me that he was under the command and inferior to Captain Wirz. He replied, "I guess the dogs hurt him enough," and that seemed to satisfy Captain Wirz, who ordered me to be taken back to the stockade.

THE DEAD-LINE.

That dead-line was a slight wooden railing, about the height of this railing, (some three feet;) it was on little upright posts, running inside of the stockade, about twelve or fifteen feet from it, as I thought then; but I have heard since that it was further than that—that it was twenty feet; I judged myself that it was from twelve to fifteen feet At the place where the stream entered the stockade the dead-line was broken down for some weeks, and during that time there were several men shot there. I have seen several carried away from there who were said to have been killed in that way. The horrors of that prison were so great that one man went over the line, and refused to leave it until he was shot dead. So great was the horror and misery of that place that I myself had thoughts of going over that dead-line to be shot in preference to living there. But it immediately occurred to my mind that it was a Christian's duty to bear whatever was thrown upon me, otherwise I should have undoubtedly gone over—preferring death to life. I think that in every case of shooting I knew of they were men who had to go to that place to get water. The nearer to the stockade the clearer the water was, consequently men would go in search of it as far as they dared to go to get clear water; and, in some cases, they would get on the line without knowing it, because there was no actual line on the spot, and they would have to look to the right or to the left to see where the line ought to be. I believe that, in many cases, new prisoners who had not been warned about the dead-line crossed it, and were shot without knowing where the dead-line was, as no warning would be given except, as I have said, by our own men. I used to make it a particular portion of my business when new prisoners came to show them the dead-line, because when I went there at first myself I would have been shot if one of our own men had not dragged me back.

SHOOTING OF PRISONERS BY THE GUARDS.

I have been within hearing of the sentinels who shot men on that line or passing it. I never heard them halt a man, or give him any intimation. The instance that occurs to my mind is this: one of the rebel sentinels had just shot one of our men; one of the other prisoners seeing it, remonstrated with him, threatening retaliation if ever he got a chance; the rebel hastily reloaded his piece, took aim at the man, and told him if he heard another word out of his head he would shoot him dead; whereupon, of course, the man said no more. I do not recollect ever hearing the sentinels say anything in reference to their orders. I do not know the number of prisoners I have seen killed or shot by the sentinels on duty. I often, very often, heard the report of a musket. I knew by what was said that a man was shot, but I did not see it; but I saw several cases myself. It was a very common occurrence. One night——

COUNSEL for the accused objected to the witness stating anything which he did not see.

WITNESS. It was too dark to see it, but I heard the whistle of the balls, and know that they fired into the stockade without any provocation whatever.

COUNSEL for the accused objected to the witness stating anything but what he knew himself.

The PRESIDENT. The witness may state what he heard among the prisoners

at the time these killings took place, what the prisoners said, and what the sentinels said, by whose orders the firing was done, &c. The court wants to hear it all.

SUFFERINGS FROM HUNGER.

I know that I suffered very much from hunger; so much so, that months after my release my appetite was constantly craving, and I could not restrain myself from eating, even after I had enough. This was the consequence of that slow process of starvation. I am well aware that many of my comrades died there in consequence of not having sufficient food. I have noticed persons robust in health taken to the stockade. The effect was that, in a very short time, they became sick and died. This was the case with several of my company who were extraordinarily robust. It was a common remark among my company that the strongest and best men of the company died. I have seen around the sutler's stand men dead; and I have seen them actually dying of starvation, and yet they would not get a mouthful to eat. The sutler's stand was inside the stockade. One of our own men kept it. It was said that he was a Belle Island prisoner. He had the privilege of going out and bringing in supplies which he got from the confederates outside. He paid them large prices, and sold to the prisoners inside at an enormous profit. I have seen onions sell at twenty-five, forty, and seventy-five cents, of our own currency, according to their size. The rebel currency went at from four to one, and afterwards at from five to one, so that a small onion would cost a dollar in confederate money.

EFFECT OF THE TREATMENT ON THE MORAL SENSIBILITIES AND MENTAL CONDITION OF THE PRISONERS.

The prisoners seemed in many cases totally depraved and demoralized. Their minds were in many cases affected very much, so that they seemed, as has been already described by a witness, idiotic.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Cross-examined by COUNSEL:

I have seen maggots in the food that was given me to eat. I have taken that food to the stream and washed the maggots from it. I have seen them in the sores on the soldiers there; and I have seen them in such a way that it is hardly fit to describe in this court. I have seen maggots a foot deep in the mire, filth, and swampy ground there by the stream—black marshy mire. They were principally caused by the men not being able to go to the sink—by what passed from their bodies. I saw one dead person there—the first dead man I saw in the stockade. That was not because of the maggots a foot deep; that mire was a general receptacle for any filth we might throw away. You could walk over four or five acres of ground and find maggots under your feet all the time.

THE DOGS.

The hounds have chased me; I might have said bloodhounds. I do not know who was with the hounds. I saw the man that was with them. I could tell him from another man, but I cannot tell his name; it was not Captain Wirz. Only two hounds pursued me. Immediately on my being caught the man sounded a call with his horn. I couldn't tell whether it was to recall others, or to give notice that I had been caught; but I saw several more hounds at the building where they kept them, and where this man turned the hounds in. It was a good, strong, substantial log building. If I had been supplied with as good shelter, I should never have got any sickness from the rain at night. I cannot tell how many hounds I have seen at one time together. I think I saw

more than five. They seemed to be all hounds—bloodhounds. I know what a bloodhound is. A hound that could track me from a distance to the place where I lay secreted must have had the powerful scent and instinct of a bloodhound; a common dog would never have found me in my hiding place. I believe that the only reason why the hound did not tear me was, because the same power kept him from doing it that kept the lions from tearing Daniel—that God in whom I trusted. Undoubtedly the hound did smell me when he rubbed his nose against me, and I believe the Almighty prevented him from biting me.

THE CHAIN-GANG.

I obtained those marks, made by the sun, on my skin in the months of July and August. It was on the 12th of July when I went there, and I saw prisoners then in chains, and I have seen them wearing the ball and chain at the same time when I got those marks from the heat of the sun.

CONDITION OF THE WATER.

I saw our prisoners dipping in the water from the brook. I have often done so myself. They usually went where it entered the stockade. They went there because the water was clearer there than elsewhere. The water was not quite good there; it was quite bad very often; it was more filthy in other places.

SHOOTING OF PRISONERS BY THE GUARDS.

I cannot name any individual prisoner whom I saw shot. I believe I have seen prisoners shot every month I was there. On the occasion when I heard firing in the night I did not see Captain Wirz. I do not know whether he was there in the night or not. Seeing him there every day, I suppose he was there in the night too. I saw him there one night when we were being removed from the stockade to the cars to be taken to another prison. That was on special service removing prisoners.

CRUELTIES COMMITTED BY WIRZ.

Q. Did you ever yourself see Captain Wirz perpetrate any personal violence on any one?

A. I cannot answer without stating what I heard.

Mr. BAKER. Answer yes or no, and the circumstances can be stated afterwards.

WITNESS. I did not see any outrage.

Mr. BAKER. Very well, that is enough.

WITNESS. You said that when I answered I might state the circumstances; I now insist on my right to do so.

The PRESIDENT (to witness.) State under what circumstances and from whom you heard what you refer to.

Mr. BAKER. We object.

The PRESIDENT directed counsel to be seated and told the witness to proceed.

WITNESS. I was being removed from the stockade to the cars, to be taken to another prison. It was at night. Just back of me some prisoners, who were unable to walk, had fallen. I heard Captain Wirz's voice swearing, and I heard what indicated that blows had been given. I did not see him strike any blows, but I heard something of that going on. I could not swear that I saw it, yet I knew of the occurrence.

SUFFERINGS FROM HUNGER.

By COUNSEL:

I did not know the man who had the sutlership inside the stockade, personally, only from what I heard in regard to him from my comrades. I cannot tell how

many times I saw him. I saw several men in there, and I could not tell the proprietor from those in his employ. Those engaged in there in that way were Union prisoners. The sutlership was under the charge of Union prisoners. One man was allowed to go out for goods. He was a Union prisoner. He brought in goods in a wagon and had them to sell. It is not customary for a sutler to give away goods; they generally want a pretty good price for their articles. I know that if I had seen a fellow-prisoner starving for want of something which I had to sell I would give it to him. I cannot say that I would give it to him and others if it took all I had to buy. It was his Christian duty to give away a portion of his goods, enough to keep a man from dying from starvation by his place. If there were thirteen thousand prisoners dying there, I do not think he ought to give some to all. I know that the sutlers there paid large prices for the privilege they had, by general hearsay, and also by the enormous prices he charged. I paid twenty-five cents once for a very small quantity of molasses that I went to buy for a sick man—perhaps not more than half a gill. That was before molasses was generally given out. I know that corn was at one time sold by him at three dollars per dozen. By his enormous prices I know that he must have paid enormous prices for the articles. That is the only way I knew that he paid a large price for his privilege of being sutler. I was not in partnership with him so that I could know.

THE "RAIDERS."

There were desperadoes who were ready to knock a man down with a club, which they often did for very slight offences, or no cause whatever. Very often if a man objected because his rations were too small, a sergeant would lay hold of a club and knock him down. I have seen several men come up to what was called the barber's shop, close where I used to lie, to have their hair cut short around a wound on the head. They had been assaulted by these desperadoes. They were our own prisoners. They would often assault peaceable prisoners. I might further add—I think it might come in here very appropriately—that when we first arrived at the depot, (the commissary was right alongside the depot,) some of our own men working there—paroled prisoners—told us that the day before we arrived there six men had been hung inside the stockade. They were of that class what we called raiders—desperadoes. Those who desired peace and order did, of course, arrest those men, try them, convict them, and hang them. If proper discipline and order had been maintained by the confederate authorities those raiders would not have been allowed to continue their depredations until it was necessary to hang them in that way. There was not proper authority or order maintained by the confederate authorities. Men were thrown in that large place promiscuously, and allowed to kill each other if they had a mind to. They were not restrained by putting them in different apartments or buildings, or giving them that necessary protection that they should have. If Captain Wirz had preserved that order he would have been more humane than he was. I never knew a man so atrocious in his military discipline and power as Captain Wirz. He would not have been obliged to have been more strict if he had used proper means. If these men had been placed in separate prisons, and arrests been made when anything of the kind was done, and reported to him, and offenders properly punished, it would not have gone to such an extent. It is more severe discipline to be arrested frequently than to go at liberty, upon the individual arrested, but an act of humanity to others.

If he had arrested this gang of desperadoes more frequently it would have been better. He would have been obliged to be more strict to the few, but kinder to the many. In regard to punishing guilty offenders he was not as strict as he might have been. I have heard there were seventy or eighty des-

peradoes, but I was not there till some of the men were hung, when that gang, you might say, was broken up. The desperadoes spoken of as being there when I was there were such men as may be found in every company and regiment in the service. Some of them might have been as bad as the others. No doubt there were desperate men there all the time. I don't know that Captain Wirz was constantly annoyed by these desperadoes. I know on the contrary that at one time one man had informed about others tunnelling out; some of the men, as a punishment, seized him and had one-half of his head shaved and the hair left on the other, and they ran him around the camp telling what he had done, and it was said that after running him around they were going to run him over the dead-line, where he would undoubtedly have been shot. A guard was sent in by the rebel authorities and took the man out. For that act our food was kept from us for twenty-four hours. We received no rations whatever that day. The next morning the sergeant of the detachment to which that man belonged went to the gate and made application in the case, stating that if the man was sent into the stockade again he would be responsible for his not being molested any further, if they would restore the rations. On these conditions the man was taken in again; he was not further maltreated, and the rations were again furnished to us.

The cross-examination having closed, the witness stated that he would like to give some additional evidence which he had omitted in his examination-in-chief.

Mr. BAKER objected to the reception of the evidence, as the examination-in-chief had closed.

The COURT, after deliberation, sustained the objection.

AUGUST 28, 1865.

SAMUEL D. BROWN, for the prosecution:

I have been in the service of the United States as a soldier, from October 9, 1861, to June 13, 1865. I was captured at Plymouth, North Carolina. I was taken to Andersonville direct, reaching there on the 4th day of May, 1864.

MONEY AND VALUABLES TAKEN FROM PRISONERS.

When we were taken there we were marched down half-way between the depot and the stockade, and we lay there all night under a strong guard. The next morning every man was searched, and everything valuable was taken from us. We were then turned into the stockade. A watch was taken from me, and also about one hundred and seventy-five dollars in money.

TREATMENT OF THE SICK.

I was sick while there. I received very little medical treatment, if any at all. I was taken to the hospital and was there just two weeks. I was taken there probably somewhere about the 20th of May. From the day I was taken there till the day I came back, about all the medicine I got was some blue pills and blackoak bark tea.

STOPPAGE OF RATIONS.

While in the stockade we were deprived of our rations; from the morning of the 1st July, 1864, till the evening of the 5th, we did not get anything. The cause of it was, I believe, because there were some raiders in the camp. Captain Wirz and the quartermaster came and ordered them to be arrested before another morsel of rations should be brought in. We had to arrest them ourselves.

By the COURT:

Q. What do you mean by raiders?

A. I mean desperadoes—United States prisoners who would rob our own men. They got so bold as to take the rations off the wagon; in consequence of which the balance in the hands of the quartermaster for that day was taken out, and we were told they would give us no more until we had found those men. About 300 men were arrested. Some were punished and others were not.

MEN BITTEN BY THE DOGS.

I will not say they were hounds or not; they were some ferocious animals. They would be taken round at different times. A man with a gray horse, generally known as Captain Wirz, rode round with the hounds after him, and another man walking, (I presume he had charge of the hounds,) going round the prison hunting up tunnels where men had made their escape. I saw persons with wounds that had the appearance of dog-bites. I knew of one person who came into camp with such wounds. He had made his escape. I knew his name, but I forget it. He came in one day with his clothes pretty well torn off, and he had several scars and bites on him. The man remained inside the stockade awhile, but was afterwards taken out, whether to the hospital or not I don't know. I don't know whether he died of his wounds; but he was certainly bitten by the dogs.

SHOOTING OF A PRISONER BY WIRZ'S ORDER.

I saw Captain Wirz while at Andersonville. I knew him to commit acts of cruelty—once especially. On or about the 15th of May, 1864, I wrote a letter to my parents and took it to the south gate where the letter-box was. As I came up near the gate I saw a cripple—a man with one leg, on crutches; he had lost one leg above the knee. He was asking the sentinel to call Captain Wirz. He called him, and in a few minutes he came up. I stopped to see what was going to be done. The Captain came up and the man asked him to take him outside of the prison, as he had enemies in the camp. I presume it was Captain Wirz. I did not know him so well then. Captain Wirz was the man that was called. This cripple asked him to take him out; he said his leg was not healed, and that he had enemies in camp who clubbed him. Captain Wirz never answered him, but said to the sentinel, "Shoot that one-legged Yankee devil." I was there and heard the order, and saw the man turn on his crutches to go away. As he turned the sentinel fired, and the ball struck him on the head and passed out at the lower jaw. The man fell over, and expired in a few minutes. The sentinel fired at the prisoner with a musket. The prisoner was perhaps two feet inside the "dead-line," which was twenty-five or thirty feet from the stockade and almost parallel with it; so that the man was probably thirty feet away from the muzzle of the gun. I would recognize the man who gave that order. I recognize the prisoner at the bar as him. The sentry was relieved; I saw him taken down out of the stand outside. That was the last I saw of him. Report says that he got a thirty days' furlough. I have witnessed other acts of cruelty.

By the COURT:

I have no means of verifying the date of that occurrence, any more than what I have stated. It was on the 15th of May that I wrote this letter. I put it in the office the same day. On the 26th of last December I came home, and I was there six or eight days when I "lifted" the letter at the office—the letter I had myself mailed at Andersonville. That was the only letter I wrote there.

Counsel for the accused declined to cross-examine the witness.

AUGUST 28, 1866.

JACOB D. BROWN, for the prosecution:

I am a brother of the young man who has just testified; I have been in the military service of the United States; enlisted on the 31st day of January, 1862, and served till the 13th June, 1865; I was a prisoner at Andersonville from the 20th day of April, 1864, to the 9th September, 1864; I was in the Andersonville prison, or not exactly in the prison, all the time; from the 3d of May to the 9th September I was in the prison.

STOPPAGE OF RATIONS.

I was deprived of rations from the 1st to the 4th of July—I think it was—or from the 2d to the 5th; I cannot positively say as to the date; I can hardly say what the cause was; there were a great many rumors about that time; I know of no particular reason; I was not deprived of rations at any other time at that prison.

PRISONERS TORN BY DOGS.

I saw dogs and heard dogs all around the prison; I did not know for what purpose they were there; I saw one man who told me he had been torn by dogs; the wound looked as though the man had been torn by a beast of some kind; it was in the calf of his leg, like as if the beast had taken hold and torn it right down.

THREATS OF WIRZ.

There were a great many threats made by Captain Wirz; on the 3d of May, when we arrived at Andersonville, we lay near the depot over night; the next morning we were called into line to be marched into prison; Captain Wirz was there, riding his horse around, and ordered the men to fall in; some of the men were sick and very slow in getting into the ranks, and he ordered in the first place that if they did not get into the ranks they should have no rations; the men were still slow in getting in, and he ordered that if they did not get into ranks they should be shot down; of course the men hurried into ranks as soon as they could to save their lives.

SHOOTING OF TWO PRISONERS BY WIRZ'S ORDERS.

I saw Captain Wirz there; I see him now, the prisoner at the bar; that is the same man; in one instance, about the 27th of July, 1864, I saw Captain Wirz in the sentry-box with the sentinel at the cook-house, near the brook; the prisoners were there getting water from the brook, and men would accidentally reach under the "dead-line" to get water, and Captain Wirz ordered the sentinel, if any men reached through the "dead-line" to get water, to shoot them down; he had barely said the words when a prisoner reached through under the "dead-line" with his cup to get some water, and the sentry fired; the ball took effect in the man's head and he was killed; I was about three feet off; I was just passing the brook from one side of the stockade to the other; the sentinel had in his hand the ordinary musket—a soldier's musket; after the ball had entered the prisoner's head he dropped, and in a very short time expired; I was close by when he died; I saw him after he was dead; I saw him borne away to the gate to be taken out; this happened about the 27th of July, 1864. I know of one other instance; as to the date I am not so well posted as I am in regard to the others, but it was some time about the middle of August, 1864; from the same sentry-box Captain Wirz ordered the sentinel to shoot men again that were getting water from the brook; the men were much crowded, as they always were at that place, getting water, and I was crossing the brook again; I had some friends on the north side of the stockade,

and I stopped on the south side; Captain Wirz was in the sentry-box with the sentinel; he gave the order to the sentinel and the sentinel fired, and the ball took effect in the man's breast; I did not see the man die, but it was a fatal wound; there was no doubt of that; I saw where the ball entered the breast; I could not say that it passed through him; the man was lying on his back. I am sure I recognized Captain Wirz on that occasion; he had been sick, or it was so reported at the time, and I did not know he was on duty; I am certain it was Captain Wirz.

Counsel for the accused declined to cross-examine the witness.

WITHDRAWAL OF COUNSEL FOR THE ACCUSED.

Mr. BAKER. I will state to the judge advocate that it is with many regrets that I feel it my duty to throw the responsibility of this case on him.

The PRESIDENT. You will address the court, sir.

Mr. BAKER. I was about to say that after the occurrences that have taken place between the president of this court and myself, I do not think that I can be of any assistance to this prisoner by remaining in this case any longer. I had hoped that with the mass of testimony which I have in his favor ——

The PRESIDENT. What is your purpose, sir? Do you decline to continue in the employ of the prisoner?

Mr. BAKER. I believe that I cannot do otherwise consistently.

The PRESIDENT. What is your purpose?

Mr. BAKER. I wish to state to the judge advocate and to the court the reason why I must leave the prisoner now.

The PRESIDENT. Does the court desire to hear the reason?

SEVERAL MEMBERS. No.

The PRESIDENT. The court does not desire to hear it.

The JUDGE ADVOCATE, (to Mr. Schade.) Do you desire to cross-examine the witness?

Mr. SCHADE. No, sir.

The JUDGE ADVOCATE. I should like to know whether both the prisoner's counsel abandon the case. If so, I suppose it devolves upon one of the judge advocates to conduct the cross-examination.

The PRESIDENT. Do I understand that Mr. Schade abandons the case?

Mr. SCHADE. I have tried to stay in it as long as I possibly could.

The PRESIDENT. Do you abandon the case?

Mr. SCHADE. I consider it my duty now to follow the example of my colleague, believing that we cannot be of any further use to the prisoner.

The PRESIDENT. Very well; the judge advocates will take care of the rights of the prisoner. Do we distinctly understand that both his counsel abandon the case?

Mr. BAKER. We do not abandon it; we leave the case in the hands of the president and the judge advocate.

The PRESIDENT. That is enough; take your seat, sir.

Mr. BAKER. We believe that we could make out our case according to the rules of law.

The PRESIDENT. Not another word, sir. You are a spectator.

The JUDGE ADVOCATE, (after consultation with the prisoner.) As it now devolves upon me to take care of the interests of the prisoner, I move, on his behalf, that the commission adjourn until to-morrow morning, at ten o'clock.

The motion was agreed to, and the commission thereupon adjourned.

READMISSION OF COUNSEL FOR THE ACCUSED.

Upon the meeting of the court, on the 29th of August, the judge advocate laid before it the following letter:

OLD CAPITOL PRISON,
Washington City, D. C., August 29, 1865.

Col. N. P. CHIPMAN,
Judge Advocate, Military Commission:

I most respectfully ask the commission, as I am here alone, to send for my counsel, Messrs. Schade and Baker, as I understand that on my most fervent entreaties, they have consented again to appear for me. They understand my whole case, and know my witnesses and papers. Hoping that the commission will grant my request, I sign myself, most respectfully, your obedient servant,

H. WIRZ,
Late Captain and A. A. G., C. S. A.

The commission, after deliberation, directed that Messrs. Schade and Baker be sent for, the prisoner stating that they were just outside the court-room.

At this point the court was cleared for deliberation, and after some time the doors were reopened.

On the reopening of the court, Messrs. Schade and Baker entered, in company with the prisoner.

The proceedings of the last meeting were read and approved.

The PRESIDENT: This morning the judge advocate presented a communication from the prisoner in which he states that he is here alone; that upon his most fervent entreaties, his former counsel, Messrs. Schade and Baker, have consented to appear for him again; and that they understand his case and know his witnesses and papers; for which reasons he respectfully asks the commission to permit him to send for them, that they may resume his defence. Desirous of extending to the prisoner every consistent means of defence, the commission waive all personal objection to the attorneys named, and consent to their reappearance.

MEDICAL TESTIMONY.

AUGUST 29, 1865.

Dr. G. G. ROY, for the prosecution:

I was on duty at Andersonville; I was ordered to report there for duty on the first of September, 1864, by the medical director of the army of Tennessee, Dr. Stout; I mean the rebel army.

CONDITION OF THE PRISONERS IN THE HOSPITAL.

Surgeon Isaiah H. White was chief surgeon in charge of the post at Andersonville when I went there; I do not know that there was any one particularly who was the surgeon in charge of the medical department of the stockade; so far as the chief surgeons were concerned, there were two there; Surgeon White acted as post surgeon, and confined himself to the administrative duties of the post; Dr. Stevenson was acting as chief surgeon in charge of the hospital, and of the medical department of the stockade; when I got there I found the hospital in a very deplorable condition; it was composed of tents of all sizes; I cannot say that it was laid off with any particular regularity; there was no comfort attached to it whatever; many of the tents were badly worn, torn and rotten, and of course permitted the water to leak through; the patients were not furnished with bunks or bedding, or bed-clothing, or anything of that sort; when I reported for duty I was under the immediate charge of Dr. Stevenson; I was sent to Andersonville under peculiar circumstances, under positive orders to Dr. White to have organized a division, and for six days I was not put on duty, because it took about that time to organize a division out of the divisions that were there, which were then three in number; I then took charge of the fourth division, the last that was formed; there were very few cases of gangrene coming under my treatment while I was there; I got there after most of the surgery had been done, consequently there were very few cases of gangrene; we never got vegetables sufficient while I was there; my duty was to make

requisitions on the chief surgeon, as he was called, Dr. Stevenson; I did so and failed to get them; after Dr. Clayton took charge of the hospital we had fewer patients, and were pretty well supplied with food and medicine; I think that would be the decision of every prisoner that was there.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was told that there were from 30,000 to 35,000 prisoners in the stockade when I went on duty at Andersonville. They presented the most horrible spectacle of humanity that I ever saw in my life. A good many were suffering from scurvy and other diseases; a good many were naked; a large majority barefooted; a good many without hats. Their condition generally was almost indescribable. I attributed that condition to long confinement and the want of the necessaries and comforts of life, and all those causes that are calculated to produce that condition of the system where there is just vitality enough to permit one to live. In the first place, at Andersonville, the prisoners were too densely crowded. In the next place there was no shelter, except such as they constructed themselves, which was very insufficient. A good many were in holes in the earth with their blankets thrown over them; a good many had a blanket or oil-cloth thrown over poles; some were in tents constructed by their own ingenuity, and with just such accommodations as their own ingenuity permitted them to contrive. There were, you may say, no accommodations made for them in the stockade, and in fact it was very wise that none were made there, unless the stockade had been large, because to have filled up the space occupied by this prison with sheds, would have almost produced a stagnation of air. They had a branch that ran through the stockade as a convenience for washing. There was plenty of water there. I never was in the stockade myself. There was plenty of water in the branch. I do not know its condition. The ground on the east side of the stockade, outside, was composed of marsh, and was blockaded with trees which had been cut down, which acted as an obstruction to all deleterious animal and vegetable matter that passed after heavy weather through this stream, and there it accumulated and became very obnoxious indeed, and was a very fruitful source of malaria. A great many insects were prevalent there. A great many of them were maggots, and there were also ants—these white ants with wings. In general terms, there were those insects which result from a decay of vegetable and animal matter. The quantity of them was very great. There were very many mosquitoes there when I got there. I had been told that mosquitoes were rarely known in that part of the country before, but they were most terrible when I got there, so that it was dangerous for a man to open his mouth after sundown. I think this ground was afterwards drained. I think it was drained just after. This marshy place that I spoke of was just in the rear of the hospital, and the winds of course blew the odor from there across the hospital, and after Dr. Clayton took charge it was drained. I think it was through his influence, but I do not know by whom or from what cause. I recollect his calling my attention to the fact, and having me there to look at it after it was drained. I think it had been drained before, but such a body of water as that stream carried after an immense rain very soon became obstructed, and it would necessarily require constant or repeated draining. The fleas were as bad as the mosquitoes, worse, if anything, and after the evacuation of the stockade, I was told by a friend who remained there, several weeks afterward they emigrated from the stockade and came up to the private houses, so that the occupants had to leave on account of the fleas. This marsh of which I speak was right alongside the hospital. The hospital got the odors and miasma from it. The effect on the prisoners must, of course, have been injurious.

THE SUPPLY OF MEDICINES.

I was ordered to Andersonville from Macon, Georgia. I had been on duty at Atlanta, Georgia; I was in charge of a hospital there; the supply of medicine at Andersonville was not sufficient to meet the demands or necessities of the patients; I never had any difficulties in getting medicines at Atlanta; Dr. White was in charge of the post but a very short time after I reached Andersonville; Dr. Stevenson was in charge for a longer time, but a very short time after Dr. White was removed; he ordered Dr. Stevenson to report to him; the medical director of the prison department was made a separate, distinct position, and Dr. White got the position of acting medical director; you might call it a promotion; he so esteemed it, I believe, and he ordered Dr. Stevenson from Andersonville to report to him at Columbia, South Carolina; Dr. H. H. Clayton succeeded Dr. Stevenson: about the time that Dr. White was transferred from Andersonville a large number of patients had been transferred to a place called Millen, and the prisoners left at Andersonville were of course comparatively few; after Dr. Clayton took charge the supply of medicine was fully adequate: I attribute that very much to the fact that he made requisitions for the full capacity of the hospital, not knowing when it might be filled up; we got a full supply, and not having a sufficient number of patients to consume what we got, those who were there were able to get as much medicine as they needed; Dr. Clayton had no more facilities for obtaining supplies than his predecessors had; while I was on duty at different hospitals there were a few rare articles, and rarely used, which we found difficulty in getting sometimes when we had occasion to use them; but as a general thing I found no difficulty in getting all the medicines necessary to treat patients.

THE HOSPITAL FUND.

There was provision for a hospital fund, which was in the hands of the chief surgeon; all of the confederate hospitals drew on the hospital fund, which amounted latterly to about $3 13 per day for each patient; this hospital fund was for the purpose of procuring such articles as the sick needed and as the commissary did not supply, or as the medical purveyor could not furnish, and which could be purchased outside; when I first went there the hospital fund amounted, I think, to about $190,000 a month, between that and $200,000; I do not know that it was drawn; this was in confederate money; it ought to have been drawn from the commissary of the post; when I first went there Major Proctor was the commissary; I do not know whom he succeeded; I never had control of any of that fund; the chief surgeon, Dr. Clayton, and after him Dr. Stevenson, drew the funds and supplied me; I made requisitions for articles in kind, not for the funds to buy them; latterly, within three or four weeks of our abandoning the place, I got all I wanted; then we had very few patients, and our facilities for getting what we wanted were much greater.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

Q. Who had control of the hospital so far as its discipline was concerned? Who had command of the guards stationed about it?

A. There was always a sergeant at the gate who was under the control of Captain Wirz.

Q. Had Captain Wirz any command over you surgeons, other than that of stationing the guards about you and giving you passes to the hospital?

A. Under his orders, which I had occasion to see once, I think his power was almost absolute.

Mr. BAKER objected to witness stating the contents of the orders.

Q. Had Captain Wirz other command over you than that of allowing you to

go back and forth to the hospital on his passes? Had he control over the administration of your duties?

A. He did not exercise that control, but his orders gave him such power.

Mr. BAKER objected to witness stating anything contained in the orders.

The court, after deliberation, sustained the objection.

Q. Did the prisoner ever state to you that he had command over your action in the administration of your duties?

A. He did.

Q. State the circumstances.

A At one time, in consequence of a difficulty between one of my assistants and Captain Wirz, we had occasion to call for these orders and the orders were presented; assistant surgeon Dr. James had written a communication to me about the punishment of one of the hospital attendants of his division by Captain Wirz, which communication I indorsed and sent to Dr. Clayton, who was then senior surgeon; he forwarded it to Colonel Thurlow, who was then commandant of the post at Andersonville, and it was referred to Captain Wirz for remarks; when the paper was returned to Colonel Thurlow I am not able to say, but it never came back to me; no indorsement was put upon the paper, but a reply was made in a communication from Captain Wirz, which reply made it necessary for Dr. James to find out what were the orders; in other words, it made it necessary for us, as medical officers, to know the relations which we held with the officers of the post; we found from the orders that we held no power, that we had, you may say, no rights, and that if Captain Wirz felt disposed to do anything in the hospital which his orders allowed him to do, (and they gave him almost absolute power,) he could do it without consulting a medical officer.

Q. From whom did he get that authority?

A. From Brigadier General John H. Winder.

Q. What was General Winder's status there at that time?

A. He was not there at that time.

Q. Where was he?

A. I do not know; he made his headquarters at Millen; I do not recollect where he was then, whether at Columbia, Florence or Savannah.

Q. Do you know anything of the prisoner putting men of the hospital in stocks, or exercising his command over attendants at the hospital?

A. I saw one instance, and I am fully convinced in my own mind of another.

Q. Give the instance you saw.

A. That was the case of the young man to whom I have just alluded, the chief clerk of Dr. James, who was bucked; he was sitting outside the gate as I rode up to the hospital one morning; I inquired the cause, and was told Captain Wirz had ordered it.

Q. Do you know the reason why the man was bucked?

A. I knew it from that communication which I have mentioned.

SHOOTING OF PRISONERS BY THE GUARDS.

I understood that there was a dead-line around the hospital; the understanding I had of it was that prisoners passing it should be shot; one of my patients was shot somewhere about the latter part of 1864, or the first of 1865; I don't remember exactly; the man was killed; he lived hardly three minutes; he was shot through the heart; I examined him afterwards; I did not see him shot; it happened before I arrived at the hospital in the morning.

THE HOSPITAL FUND.

Cross-examined by COUNSEL:

I cannot give you the date when this fund was instituted or created; when I went to Atlanta on the 24th of June, 1862, it was being used there; I do not

know how long before that congress had passed an act creating the hospital fund; it was long before I went to Andersonville; I can tell you when it ought to have been established there; I was not there at the time; I found it in exercise when I went there; there was some money drawn; I know that the amount of the hospital fund was not drawn; I cannot state what amount was drawn; the orders for that fund were drawn on the commissary; I did did not see the orders; I know they were drawn in this way; I could not have got the few delicacies that I did get if they had not been purchased by this hospital fund; the chief surgeon paid me for some articles of a private character which I sold him for the hospital, and he told me that he paid me out of the hospital fund; I have no idea what amount of it was drawn; I know it was more than ten dollars; I know of five thousand dollars having been drawn; it was confederate money; I do not recollect the price of gold at the time; there was $20 for $1 paid for greenbacks at Andersonville; I presume that was in February or March, 1865, at the very latter end of the confederacy; I know that the money ought to have come from the commissary general in Richmond; Dr Clayton, the chief surgeon, drew what I saw drawn; we had no control of the hospital fund, and did not even have an opportunity to examine the hospital fund book; that book was kept by the chief surgeon; Captain Wirz had nothing to do with it whatever; he was not to be blamed if the chief surgeon did or did not get the hospital fund.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

Captain Wirz had authority, not to control the surgeons, but to control the administrative duties inside the hospital, which we ought to have had authority to control. That was given to him by his orders. He did not exercise it except with the attendants. If he wanted to make a detail of patients outside, or to parole a man, he did not invariably consult the officer in charge. He almost invariably consulted with the medical officers when he exercised control over their administrative duties; he could have done, with those orders, anything with the prisoners; he could have been more severe, and his orders would have protected him; I was there from the first of September, 1864, until the last of April, 1865; I only saw Captain Wirz exercise severity in one case that came under my personal observation; I did not see him then, personally; the bucking was the only instance; I was there before Dr. Clayton came; the management of affairs was materially benefited after he came; Captain Wirz was there before and after Dr. Clayton came; I think the surgeon who was there before Dr. Clayton came could have done as well as Dr. Clayton did; Captain Wirz exercised no control in that respect over the good effects of Dr. Clayton's administration, any more than over the bad effects of the other surgeon's administration; the fault was with the surgeon.

AUGUST 29, 1865.

MEDICAL TESTIMONY.

Dr. B. A. VANDERKIEFT, surgeon United States volunteers, for the prosecution:

CONDITION OF RETURNED UNION PRISONERS.

I am an duty in Baltimore, in the medical director's office; I was on duty at Annapolis, in the capacity of surgeon in charge, from the 26th of May, 1863, till the 28th of May of this year—for two years. While on duty there, I had occasion to examine and treat and direct in regard to the treatment of returned prisoners. I had under my charge and observation a great many prisoners from Andersonville—I think nearly two thousand. Most of the men, I may

say all, with very few exceptions, arrived in a very destitute condition—reduced, suffering from chronic diarrhoea and scurvy, some of them in a dying condition; and some of them died a few days after they arrived there, and all of them were obliged to remain a long time in hospital before they were able to return to their homes on furlough. Those who did recover were obliged to remain for some time in hospital. The disease which resulted in death, more than any other disease, was chronic diarrhœa. I learned from all the prisoners returned from Andersonville that they were very much exposed there—that the food they got there was insufficient in quantity and of very bad quality. It is known that exposure to wet and cold and a sudden change of temperature very easily produce diarrhœa under ordinary circumstances; but such a diarrhœa, if well treated, or even when the patient is not longer exposed to cold and wet, may be cured in a few days; but here there was no attention, or very little. But few men were admitted to the hospital. They were still exposed to cold; the food given them was of an inferior character, not to be assimilated; consequently these men died afterwards of starvation. The symptoms and condition of the patients presented to me this state of things.

(A photograph was here shown to witness.)

This photograph presents a true picture—a fair picture of a Union prisoner who had been for some time in a rebel prison. I have seen hundreds of them—perhaps thousands. I have seen some cases worse than this; still this is a very fair case. There were a great many cases of this character from Andersonville. This presents a true picture of many of them.

(The photograph was here put in evidence.)

I made a careful examination, and give the opinion I have just expressed as a professional opinion.

Cross-examined by COUNSEL:

I have no decided home; I am in the army; I was educated in Holland; I was at medical institutions at Utrecht, at Paris, and at Berlin; I am a regularly educated physician; I was captured as a prisoner of war, but released immediately; I was never within the lines of the southern confederacy; all I know about the condition of the prisoners there is from hearsay, repeated always in the same way by prisoners captured at different times. I know in an official way that the prisoners came from Andersonville; there was a list on board stating that the persons came from there; it was an official report; there was an official list—not always, but most of the time. I could not give any number that were so bad, they were so many—a very large number indeed. I know by official report that all those who were so very bad were from Andersonville. I never saw the original of that photograph, but of hundreds and hundreds quite the same; I do not know whether the original of that photograph came from Andersonville; I know nothing about this photograph at all in this special case; I do not know whether it was taken from the original or whether it was made up; I do not know that such a skeleton can be made up without having the original; I do not know that one bone can be put together by the side of another, and in that way a skeleton made up and a photograph taken; but there are bone and skin here—there is more than bone here; I think it represents a living person; I know that in no other way than by seeing it. I do not know the prisoner at the bar; I heard very often prisoners complaining of the jailer at Andersonville, but they never mentioned his name; I know nothing of him myself.

AUGUST 29, 1865.

MARTIN E. HOGAN, for the prosecution:

I have been in the military service of the United States—in the first Indiana cavalry. I have been a prisoner four times during the war; I was a prisoner at Andersonville; I arrived there on the 6th of August, 1864; at the time of

my arrival Captain Wirz was sick and Lieutenant Davis was in command; to the best of my knowledge Captain Wirz took command in about a week after that.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I only know from hearsay as to the number of men in prison while I was there, about 25,000 or 30,000; the stockade was crowded; there was no space. A great many of the men were as nearly naked as could be. As to fuel, I saw none there only occasionally, when two or three wagons would come in with a stick of wood on top; I have seen the sergeants of squads go out with a squad of men occasionally and bring in wood. There was no shelter whatever, only what the men made by digging holes in the ground and by using some blankets and some of their garments. I cannot say what number of rebel troops were at the post while I was there—two or three regiments. I saw negro prisoners and negro workmen outside; there were a good many negroes who came to work every morning, building the outside stockade; I would say there were from thirty to fifty. The health of the prisoners was very bad indeed when I got there; the men were about as miserable as men could be; I was taken out the next day to the general hospital and assigned to the duty of drawing medicine for the first division; I only had access to the stockade when I was returned to it some time afterwards. At the time of my arrival there the stockade was very much crowded, so much so that you could scarcely elbow your way through the crowd in any part of the camp. I noticed that a great many of the men were lying helpless on the ground, seemingly without care, without anybody to attend to them, lying in their own filth, a great many of them calling for water, and a great many crying for food, nobody apparently paying any heed to them. I noticed a great many there almost entirely destitute of clothing lying out in the cold, with nothing to shelter them from the storm or sun—so numerous that I could not begin to say how many. I never heard Captain Wirz give any orders to shoot prisoners; I never saw any man who had been shot there.

CONDITION OF THE WATER.

At the time I arrived there, being in the heat of summer, the water that ran through the stockade was very low. There was only a very small stream running through the centre of the little channel or creek; the water was muddy, and the filth of the camp, when any rain or freshet would come, washed right into it; it produced filth in every form, to the extent that the water was not fit to drink, nor in fact fit to wash in. I have often seen masses of maggots on the banks of the stream; I saw filth of every sort there.

THE SUPPLY OF WOOD.

There were thick pine woods in almost every direction; it was a timber country. There was timber within easy hauling distance, enough to supply that camp and more.

THE RATIONS.

The ration consisted of corn-meal of a very inferior quality, appearing as if corn and cob had been ground together and unsifted; it was generally half baked, soft, and sour. Beef of a very inferior quality came in there in small portions; the men did not get much beef. The rations were entirely inadequate to keep the men from being always hungry. They were ever crying from hunger, or calling for something to eat. The rations were cooked partly in the cook-house. In the hospital we received the meat raw, and also the rice. There were two cook-houses outside, and they generally cooked and baked in them; I have seen bread come from both. Bread was about the only thing that was cooked outside for the hospital.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

We could not get any vegetables in the prison; there was plenty of corn—large corn-fields—and other vegetables. I escaped from prison and struck for the Chattahoochee river, and there I came across very fine corn-fields within fifteen miles of the prison. I saw melons and apples, beans, tomatoes, &c.; I do not remember seeing any peaches.

CONDITION OF THE PRISONERS IN THE HOSPITAL.

The general hospital was outside of the stockade. At the time of my arrival there, Surgeon White was in charge of the post; Surgeon Stevenson arrived soon afterwards. I had nothing to do personally with Dr. White; I was under the immediate charge of Dr. Eiland, and some time afterward I was appointed federal steward, in charge of the second division. I saw very little of Dr. White in his official capacity; he seemed to pay but little attention to the hospital. He was very seldom there that I saw. Sometimes he would ride there in his buggy. Diarrhœa and scurvy were prevalent there—scurvy seemed to be the principal disease. The limbs of those afflicted with scurvy were drawn up, contracted; they were crippled, and some could not stand at all. Such cases were very numerous indeed. There was a separate hospital some distance from the camp for small-pox cases.

BODIES OF UNION PRISONERS DISSECTED.

I never saw any inspecting officer of the rebel government—there was nothing of that sort there. I saw one doctor who came down there searching after medical science. That was the only thing of that sort I ever saw there. He did not examine into the condition of the prison. He erected a dissecting room there, and went at dissecting; that is all I saw of him. The dissecting room was just outside of the hospital, within about fifty feet of the walls. It was composed of boards nailed up roughly and a sort of canvas thrown over it. I was in there in attendance on some of the doctors while they were dissecting. I saw them dissecting several bodies there. They were the bodies of federal prisoners. I saw them saw the skulls of men in two; I saw them saw the skulls off and open the bodies in that dissecting room. It continued four or five days, to the best of my knowledge.

THE DOGS.

I saw hounds that were used about there; I have been captured myself and brought back by them—not, however, by the hounds used in that hospital—I was brought back by an outside pack of hounds. There were patrols of hounds around the stockade for eighteen miles. The pack there I saw every morning. They were under the charge of a man named Turner. I have seen the prisoner when they were trying to strike the trail of escaped prisoners, riding around on his gray mare and assisting.

THE STOCKS.

I escaped from the prison about the 8th of October, and was captured about two days afterwards and brought back. After some of the most profane abuse from Captain Wirz that I ever heard from the lips of man, I was ordered into the stocks. I was fastened at the neck and ankles and left for sixty-eight hours without any food. I got food, but I heard him give the order that I should not have any. Comrades who were paroled stole the food to me. I have seen very many in the stocks. There were three comrades with me when I tried to escape, and they were fastened in the stocks at the same time that I was. I have

seen men in them for various offences. I have seen one man put into the stocks for being abused by a confederate, and because he had manhood enough to assert his rights. I did not see any chain-gang there; that was before I arrived there.

WIRZ KNOCKS A PRISONER DOWN AND STAMPS ON HIM.

I saw Captain Wirz at the time the prisoners were being removed from Andersonville to Millen take a man by the coat collar because he could not walk faster. The man was so worn out with hunger and disease that if he had got the whole world, I do not think he could move faster than he was moving. Captain Wirz wrenched him back and stamped upon him with his boot. The man was borne past me, bleeding from his mouth or nose, I cannot say which, and he died a short time afterwards. When I speak of Captain Wirz, I mean the man sitting there, (pointing to the prisoner.) I have no doubt of his identity. I should know him anywhere. The prisoners commenced to move from there from the 5th to the 8th of September, 1864, and this occurred inside of a week from that time. It was some time in the early part of September. I cannot say within two or three days what date it was.

Cross-examined by COUNSEL:

I enlisted on the 9th of June, 1861, and I was mustered out on the 11th of February, 1865. I was not serving with my regiment all the time, but as one of the independent scouts in the army of the Potomac, at General Meade's headquarters. I served in the cavalry up to the early part of 1862, when I was transferred to General Sigel's headquarters, and was connected with a company of scouts. I was captured on the 3d day of March, 1864, and escaped on the 12th of December of the same year. I was not in the Andersonville prison all that time; I was four months and six days in Richmond, and was removed from there to Andersonville, and escaped on my way there by jumping from the train. I was recaptured and taken to Salisbury, where I stopped some time, and arrived at Andersonville on the 6th of August. I cannot remember that Captain Wirz ever did me an act of kindness. Yes, I remember now one occasion. I don't know whether he did me an act of kindness or not. He said he did, and I of course took his word for it. I requested to be permitted to send a letter to General Kilpatrick, for I felt sure that if he knew that I was there, he would give me a special exchange. Mr. McIntyre, of Indiana, wrote to General John A. Logan, and I to General Kilpatrick. I understood afterward that Captain Wirz had forwarded the letters. I never heard of them since, whether he did or not. General Kilpatrick, I know, never got my letter, because I have seen him since. Captain Wirz never offered to get me exchanged; I would have taken the chance in a big hurry. He told me to go to a particular place, as I would be exchanged sooner; he sent me to Millen. The doctors took me out and had me paroled. Dr. Mudd acted as a friend to me. The moment that Dr. Mudd's back was turned Captain Wirz took me and started me off. When I got to Millen, instead of having more chance for exchange, (whether they had specially marked me or not,) there are men in this court who can testify that I was, by the commander of the post, marked, and while other men were let out without any trouble I was held back. I do not know the reason of it. I do not know that it was because I was suspected of breaking my parole. I do not think it was. Captain Wirz apparently showed a disposition to help me get an exchange; but I afterward saw, at least I inferred afterward from the way I was treated, that I had been deceived, both by him and the rest. I was not nearer our forces when I was at Millen. I was not more accessible to an exchange, because at that time they were sending up detachments to Atlanta, and they sent me entirely the other way, where they thought Sherman would never come. If there had been a special exchange from the source I anticipated, most assuredly it would have

come from Atlanta, where Sherman was, rather than along the Atlantic coast. I consider that if I had remained at Andersonville, there would have been more chance of my being released.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I had seen cold nights while I was at Andersonville; it was never excessively cold. It was cold, but if a man was warmly clad he would not feel it. I have seen frost there; I call it cold when it freezes. I have seen prisoners in the morning when their hair was white with the frost. They were lying in the mud and on the frosty ground without a bit of shelter. The ground was never frozen hard; but I have seen a slight ice—the ground just crusted. I have seen our prisoners lying there in November. I have seen them in the latter part of October and in November, before I left. I have seen them out in all weathers, such as the weather was, cold and warm. There was, I should judge, a hundred out for one that was sheltered.

CONDITION OF THE WATER.

I never drank water from the brook in the stockade. I have seen hundreds take water to use from the upper end, the cook-house end of it, very frequently, daily, minutely. At a rough guess I should say that the dead-line was from fifteen to twenty feet from the cook-house end where it crossed the brook. Sometimes there would be such a crowd there, everybody clamoring for a drink of water, that some poor fellow would run his cup under the railing. The only object I could see for reaching through there was to get the water a little more clear. The water above that was not comfortable; there was no part of it that would be comfortable to drink in the whole brook, I think.

THE SUPPLY OF WOOD.

I never went out in any squads; I have seen others go out; I was there for months, and I saw guards go out at intervals, almost daily. Detachments were generally divided into messes, and there was generally one from a mess that was called out; I cannot say what were the numbers. I have seen them in larger and smaller numbers, sometimes not over four or five, and at other times as high as thirty or forty. I don't know that I ever saw a gang of sixty or seventy. I don't know what their intentions were in going out; I have seen them come back with wood on their shoulders, and I have seen them carry out the dead. They had no axes with them—no axes were allowed them. The trees were cut down and the branches had rotted, and they picked up such as they could. I was taken away from there in November. I had a chance to see these squads both as I was outside at the hospital, and the few hours that I was inside. When I came back to the stockade the second time, the numbers had been a great deal reduced there. The men had been sent away to other prisons, and there were comparatively few there. I went away some time in the early part of November.

THE STOCKS.

I attempted to escape from Andersonville only once. That is the time I referred to in my direct examination; that is the only time I attempted to escape from there. I simply walked out of camp; I did not run away, I walked; I did not ask anybody's leave; I was recaptured two days after and brought back. I was not exchanged at last—I escaped. When I did finally escape I escaped from Thomasville, Georgia. I was gone about forty-eight hours when I was brought back to Andersonville. Three others escaped with me; I made

my escape from the hospital; I was not under guard when I left the hospital. I was brought out to the hospital to act as an assistant; I was allowed liberty there more than any one else, because I had the good fortune, I suppose, to be one of the lucky ones. I never gave a parole, as I supposed. One of our own prisoners, named Martin, who was Captain Wirz's clerk, asked me, when I came out, if I wanted a parole. This was in Captain Wirz's tent. I said yes; he shoved a paper to me and asked me to sign it; Captain Wirz was not present, nor any confederate officer; I put my name to the paper without reading it or being asked to read it; and I did not consider it a parole. I should not consider it a parole if a confederate officer was not present, even if I had read it. I should not consider the act binding if Captain Wirz was not present. Not a word passed between Captain Wirz and me on the subject. I did not observe the parole any. I remained in the hospital until I had my plans matured for escaping. As to the parole, I never gave it a second thought. An officer who had sense enough to command a post like that, should have known better than suppose it was a parole. I cannot say whether Captain Wirz was responsible for my escape. I do not know whether he was responsible or not. I suppose he would be held accountable for me; I cannot tell whether I consider him so. I should not blame him for my escaping, because I have no doubt that if he knew I was escaping he would not let me. I spoke of two acts of cruelty committed by Captain Wirz—one perpetrated on me by putting me in the stocks. He directed it to be done, accompanied by a volley of oaths. When I escaped, I took a knife to protect myself from hounds—a doctor's knife—a good big one—I took nothing else. I did not take a pistol. One of my companions had a revolver which he had brought into camp when he was captured; he had concealed it, and he took it along. He used it on a man named Gaines, who followed us with a pack of hounds. We did not shoot him; we most certainly tried to shoot him; we most certainly, all of us, attempted to defend ourselves. I hadn't an opportunity to use my knife. I would certainly have used it in self-defence. I do not know whether I was put in the stocks for the attempt to escape and the assault on our pursuers; I should say, from the manner in which Captain Wirz received me after my return, that he put me in the stocks for nothing else in the world, but personal revenge for getting away from him. I did not give any parole; I signed a paper but I signed no parole. I did not look at what I was signing, and it was not my business when they didn't ask me.

Q. Do you believe that you could have gone out of the stockade without signing that paper?

A. I do not know the regulations.

Question repeated.

A. I am not able to say.

The ASSISTANT JUDGE ADVOCATE objected to the question as irrelevant, and, also, as tending to make the witness criminate himself in breaking his oath.

After deliberation, the objection was overruled.

Question repeated.

A. Suppose that they would expect a man's word, in some way, to give him permission to go at large in the camp. If I had signed a parole of honor, I would not have broken it. If they overlooked it, and gave me the privilege to walk through the camp, it was their lookout, not mine. I took the best chance for escape. I did not consider, when I signed that paper, that I was giving my parole. It isn't for me to say what they expected. I did not feel in honor bound to observe it for I did not know what I was signing, and I was not asked to know what I was signing.

Q. What did you think you were signing when you signed that paper?

The ASSISTANT JUDGE ADVOCATE renewed his objection to these questions.

COUNSEL FOR THE ACCUSED. We have a right to show why this severity was shown to witness.

After deliberation, the objection was overruled.

WITNESS. I expected they would give me a regular parole. I am somewhat acquainted with the form of a parole. I have seen others paroled. I have seen some few paroled by the confederate authorities, but the majority were paroled by our own men—by clerks. I have seen a crowd there for the purpose of being paroled. I did not see them get paroled. I have seen them walk away, but I do not know as to their expectation of having been paroled. I do not know whether it was understood that they had been paroled. I did not give it a thought. I did not expect that a fellow-prisoner could parole me, and consequently I waited for something further—until they told me I was free. I do not know that I ever saw anything additional to what I received given to any one else. I never noticed enough to answer the question. I got a pass, afterwards, to go at will. The steward of the division brought the pass to me. He said he got it from Captain Wirz. I applied for the pass to Mr. Hopkins, a federal soldier, who was in charge of the division in which I was medical quartermaster. I told him I would like to have a pass to get outside—nothing else. He went and got the pass for me. I was not there, and cannot tell what representations he made by which I should have a pass. I made no representations to him but that I desired to get outside. I gave him no reason. He was a particular friend of mine, and he got it. I cannot say that every soldier could have done that thing as easily if he had a friend; all friends have not the same influence; perhaps he might if he had a friend with sufficient. All that a person wanted to get outside was to have a friend of sufficient influence; it took a *big* friend, though. In order to get a person out of the stockade, I suppose he commenced to act with minor officers till he got up to the head. I entered the hospital on the 8th August, and made my escape on the 8th or 9th October. It was a confederate surgeon's knife—a scalpel—that I had with me. He did not lend it to me. I did not ask him. I felt that I had a right to take any weapon that I could find, to defend myself. I do not know of his having complained that I stole his knife. I was brought back before mid-day, and it only took time for the captain to give me a good cursing before putting me in the stocks. The other parties who went with me were put in the stocks too. I was kept in the stocks sixty-eight hours. I did not make any threats when I was captured. I knew it was useless. I did not make any threats to Captain Wirz when I was brought before him. I stood quietly by, and said nothing. Neither of the other soldiers of the squad made any threats. They did not make any resistance to those that captured them. We were entirely defenceless against the party that captured us. We had only five loads in the revolver at first, and we had fired them at the first party that attacked us, and they left us alone. The next squad was thirty-five men, with four packs of dogs. We had no running fight; we had a run without a fight. I did not fire the five loads. The man who had the pistol fired at the man who was sending the dogs after us. After we were taken out of the stocks, I was sent back to the stockade; and, in a few days afterwards, Dr. Mudd requested me to take charge of the inside hospital, which I did. I was brought out again on parole, and I kept that parole. I was paroled then as I ought to be. Putting me in the stocks did not teach me a lesson; but I held a parole of honor, and, as a soldier, I was bound to keep it. I did not understand what I was put in the stocks for. I understood it to be more from personal revenge than anything else, for trying to get away from them. I don't think he cared much whether we killed those fellows outside or not. I understood it was for my punishment, but not for trying to fight my way out. Captain Wirz never assaulted me before that. I never came in contact with him before. I consider that it was for my punishment, and in the heat of his anger for my fooling him, by getting

away from him. I have seen him angry every day in the week, almost. I never saw him angry with me before, because I never had anything to do with him personally. He was never particularly angry with me afterwards. His action gave me the right to suppose that he wished to be revenged on me. I know nothing about the punishment of prisoners who escape, and attempt to overpower their pursuers. So far as I understand a soldier's rights as a prisoner of war, he has a perfect right to get out, even at the cost of killing every guard, if he can; not after having given his parole. I consider that a soldier ought to keep his parole. I did not mean to impose on that person at the desk. I knew he was not responsible, as a federal prisoner, for anything of the sort.

WIRZ KNOCKS A PRISONER DOWN AND STAMPS ON HIM.

I cannot exactly say how long I had been there before I first saw Captain Wirz; only a few days. I do not think it was two weeks; it was not long; I cannot say how many days. The first time I ever saw him he was riding on his horse, and was pointed out to me as Captain Wirz. It was an old gray mare. I never saw him riding any other horse. He always rode the old gray mare. I don't remember what kind of a mane it had. I know that it had a very thin tail. It's tail was not black. I cannot say as to the mane; it was more white than it was gray. I cannot tell what horse-racers would call it. It was neither white nor gray. When I saw Captain Wirz he was dressed in a military suit; I suppose it was what they call a confederate suit. I did not see anything to designate his rank. He wore a short jacket, and a small light cap. He wore a gray uniform. It was what I term gray; it was what is known as the gray uniform of the confederates. I am sure I would not mistake Captain Wirz for Lieutenant Davis. Lieutenant Davis is a young man—not older than myself. It would be a very great blunder, indeed, to mistake one for the other. They do not look anything similar. I would not think I was mistaken if you told me Captain Wirz never had a gray uniform. I know that he wore a gray uniform; I am sure of it. I did not see Lieutenant Davis very often. I cannot say that I remember how he was dressed. One part of his dress, which was plainly seen, was a black feather in his hat. That is all that I can tell you. His hat was a black one. Captain Wirz wore a cap; that was gray, too—a small gray cap; apparently a sort of a military cap. It was in the earlier part of September that I witnessed the act of violence of which I have spoken. It was upwards of a week, perhaps, after the 5th; I would not say positively. It was on or about the middle of the month. It was about the time the prisoners were being removed; they were being removed about that time. This man was one of those who was being removed. They were sending them to the cars. I know of that train of cars breaking down. I went up there by the request of one of the doctors. I did not see Captain Wirz there. I saw him at his house, as I passed on my way. He had a large cloak thrown over his shoulders, and was walking around there, doing nothing as I could see. I cannot remember, exactly, if he looked as if he had been sick. I should judge he had the large cloak on to keep the night air off him. This was in the month of September, and I know that he wore a large cloak. I do not know whether a healthy man in that climate wears a large cloak in the month of September. I was not a resident there long enough to speak as to their style of dressing.

AUGUST 29, 1865.

JOSEPH D. KEYSER, for the prosecution:

I have been in the military service of the United States, in the 120th New York. I was taken prisoner at James City, Virginia, on the 10th of October, 1863. I was taken from Richmond to Andersonville in February, 1864; I got there in the latter part of February. Captain Winder had command until some time in March.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When we arrived at the prison it was only partially completed. We were confined to the north side of the prison, the south side not being completed. The prison had no shelter in it. The trees had all been cut down in the enclosure. There was a sufficiency of wood there, and the water at that time was very good. I arrived there among the first load—about four hundred prisoners were there at that time. There continued to be a sufficiency of wood and water for about the first month we were there. As the prisoners commenced to come there more thickly, the wood began to get scarce, and, in consequence of the rebel camp being above on the stream, the water became filthy; but we were obliged to use it, as we had no means of digging wells in the prison. Quite a number of the men were healthy when they came there, and remained so for the first few months. There was no considerable sickness from the time we arrived there until May, 1864. Then the men began to get sick quite fast, and died off quite rapidly in June, July, and August, 1864—of diarrhœa, dysentery, scurvy, and gangrene. I do not know the number of troops stationed there as a garrison; I should judge from three to four or five thousand. When I first went there I saw quite a number of negroes employed about there. I have seen them cutting wood in gangs.

TREATMENT OF THE SICK.

There was not very good care taken of the sick; at least there was not much furnished to them. There were no means adequate to take care of the number of sick that were there at the time. There were only a few tents furnished, and in those there were no bunks. The patients were compelled to lie on the ground. The food was insufficient to sustain life for any great length of time, as regards its quality and quantity. When we first went there we had a sufficiency of medicines, but, as the sickness increased, the medicines became scarce, and were not adequate to supply the wants of the prisoners. I was put in charge of the sick, as hospital steward. Dr. White was the surgeon there at that time. I did not think that he took special interest in the sick. He would generally leave it to some of his assistants to look after them and attend to the condition of things. I have seen cases of small-pox there. The first case was one that broke out there a few days after we arrived. They had then one tent for a hospital. Five men were confined in that tent, and that man with the small-pox was confined with them. He remained there, I think, until he died.

THE RATIONS.

When we first arrived there, the rations appeared to be much larger than they were at a subsequent period. We received more bacon and corn-meal. The quality of the corn-meal was very indifferent; it had the appearance of being ground up—the cobs and corn together. The rations were cooked by the prisoners until some time in April, when the cook-house was completed. The cook-house was on the west side of the stockade, about two hundred yards from it. Its drainage went into the creek and passed through the stockade. There was not a very large supply of vegetables while I was there. Occasionally we had a small quantity which were cooked at the hospital and distributed to the sick. The quantity was very small and inadequate to the wants of the prisoners who were sick, especially those who were laboring under scorbutic diseases.

INSPECTION OF THE HOSPITALS.

There was an inspection made of the hospitals, I think, in the latter part of July, or first of August. There was an inspection made there by a confederate major. He expressed himself as horrified at the condition of the prison. He made an estimate of the average life of the prisoners. He said, in my presence, that the lives of the prisoners would average 385 days from the time they entered there.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen Captain Wirz at his office. I have frequently heard him give orders to the guard to shoot anybody who passed over the dead-line. I have seen men immediately after they were shot. I have seen the sentinels who shot them immediately after they had shot them. My reason for supposing they had shot them was, because I knew of no fire-arms being in the hands of our prisoners around where the men lay who were shot. In one instance—I think it was in April or May, 1864—we had received our express-boxes from the north, and some of the men had thrown out under the dead-line pieces of mouldy bread and cake. This man had one hand on the dead-line, and was reaching under to obtain some of those pieces of mouldy bread or cake to eat, and was fired on by the guard and shot through the head. He was killed instantly. He was on the north side of the stockade; his body lay partly under the dead-line after he was shot. In the other case I did not see the man shot, but I saw him immediately after he was shot. He was brought to the hospital; he had been shot by one of the guard, it was said. I did not see him shot. I did not see him on the ground before he was taken up—not until he was taken to the hospital.

THE DOGS.

I have seen a pack of hounds at that prison. I have seen Captain Wirz and a man named Turner bring them down to the hospital and start them round it, to see whether they could find the trail of any prisoner who had escaped during the night previous. I never saw them attack any prisoner—I never saw any person who had been bitten by them.

THE STOCKS.

I have seen the stocks. I saw them used in confining one of our prisoners—in August, 1864.

THE CHAIN-GANG.

I have seen the chain-gang—I have seen men in it. I have seen about twelve men confined with a ball and chain to one leg, and the chain to the other leg reaching to a large ball in the centre of the gang; and I saw iron collars around their necks, with chains attached from one to the other. They were put there for attempting to make their escape, in some instances. I know of two who were put in there for that. The two that I refer to were kept there about six weeks. I do not know of any person dying in the chain-gang. I know of one instance of a man dying in the guard-house with a ball-and-chain on him. I do not know what he was confined for.

PRISONERS "BUCKED" BY WIRZ'S ORDER.

As a general thing I thought that Captain Wirz was rather overbearing, and very profane and abusive in his language towards our men, on the slightest provocation. I never saw him buck any man—I have seen men bucked by his orders. I heard the orders given. I have heard orders given for men to be bucked.

GENERAL JOHN A. WINDER.

I was not personally acquainted with General Winder; I have seen him frequently. I have heard him give orders at the hospital. One day he was riding down past there and quite a number of patients crowded up near the gate to see him; he told the men to stand back, and ordered the guard to fire on the first man that approached nearer than fifteen feet to the gate. That was the only order I ever heard him give.

Cross-examined by COUNSEL:

I remained at Andersonville from February, 1864, till September of the same year. I remained in the stockade until the 24th of May, 1864, before I was paroled. I was inside the stockade three or four months. I remained all the rest of the time in hospital service outside. I have a copy of my parole in my pocket. (Witness here handed a paper to counsel.) This is not the parole I actually signed, but simply a copy of it. I do not know whether it is the same as all the other prisoners signed. I know of others signing the same parole. I do not know of any other kind of parole in substance than this; that is the only one I ever saw. I never signed or gave any other parole than this. The prisoners sometimes signed a parole, a great number of them, extending down. I did not go into the hospital by giving my parole. I had charge of the hospital inside the stockade without giving any parole. At the time I went into the hospital outside, I gave this parole. I went into the hospital outside the stockade by giving a parole. The patients were admitted in the hospital outside of the stockade without giving paroles. I do not know whether a person could have gone to take care of the patients without giving his parole. I know that prisoners acted there in the capacity of hospital attendants who had no parole. The attendants were paroled when they went out of the stockade. I presume it was always so, or meant to be so; I do not know. There was no promiscuous going out of and into the stockade without a pass or parole.

SHOOTING OF PRISONERS BY THE GUARDS.

The man I spoke of as being shot was inside the stockade. That was before I went to the hospital. It was a couple of months after I had been there. I do not know of my own knowledge for what he was shot. I saw him before he was shot—not immediately. I do not know where he was immediately before he was shot; I saw him lying on the ground immediately after he was shot. I think he was lying in the same place where he was shot—nobody had moved him. Part of his body was lying inside the dead-line, and part outside. Quite a number of his comrades were around him. They did not touch him that I know of. I did not see Captain Wirz there. I never heard Captain Wirz order any particular person shot. I never saw him commit an assault of any kind on any individual prisoner. The orders to shoot were given to the guards—the sentries. I heard them given half a dozen different times. They were not given when the guard were receiving their orders generally—when they were going on duty. I have seen him pass in between the dead-line and the stockade and give the order that if any man got inside the dead-line or got on it, the guards should shoot him without ordering him away. I know nothing about those rowdies or desperadoes who were spoken of yesterday by Sergeant Corbett. I do not think that this man who was shot belonged to that party. Some of those standing around spoke of his being shot. They did not say that he belonged to that squad. He was shot for reaching under the dead-line. I think this took place in April or May. In my opinion I do not know that it was necessary to be so strict to keep the prisoners from going beyond that line, because there was no dead line there for six weeks after we went there. I do

not think it was necessary to shoot the men when they encroached on it; they could have been ordered away without being fired upon. This was only done in one instance that I ever saw or heard of. I never knew of Captain Wirz going beyond that line and taking the men back himself, telling them that if they did not keep back they would be shot. It was not very difficult, while I was there, to keep the men from going beyond that line—not while I was in the stockade. I have seen a small portion of the line broken down. During the time I was in the stockade, I should judge there were about 20,000 prisoners. The prison was crowded. It was not difficult to keep that line up, because the men generally knew that if they got against the line they would be shot, and they kept away from it, and were crowded in other portions of the stockade. The dead-line went all around on the inside with the exception that there was no line at the gates. It was on all four sides of the stockade—inside the stockade all around with the exception of the gates and a portion of the time at the branch. It was established after I went there—about six weeks I should judge, as near as I can recollect. I never heard any reason given for the establishment of it. It was established at the time when I understood General Winder was in command of the post.

THE DOGS.

I have heard Captain Wirz give direct command in relation to those dogs. I heard him tell this man, Turner, who had command of them, to bring those dogs down to the hospital. A man had got out on the south side. Turner brought the dogs down there and started them around the hospital till they struck the trail of the man who had escaped, and they followed that across the branch and caught him in a few hours. Turner was at Captain Wirz's headquarters when he gave him that order. Captain Wirz sent an orderly for him. The man had gone the night before. I saw the dogs at that time; there were from six to eight. They were spotted hounds and one of them was a bull terrier. I know what is generally called a fox dog. I do not think they were fox dogs. They had yellow and brown spots, long ears, middling broad and flapping, and a pointed head, rather of the hound style. I never saw a bloodhound. I do not know what a bloodhound is. I cannot say that these were bloodhounds—they were not the common hound. I have seen what is called a fox hound. I do not think they were fox hounds. They might possibly have been, but I do not think they were.

By the COURT:

I can tell a bull-dog from a hound and a spaniel from a fox-dog. I know there is a particular breed of dogs known as bloodhounds. I never saw any. I know in reference to them from hearing and reading of them.

THE STOCKS.

By the COUNSEL:

The man whom I saw in the stocks was put there for making his escape from the prison. I think he went from the stockade. I saw him in the stocks about ten hours—from the time I first saw him in the morning, until I saw him again in the evening. It was in the latter part of August, 1864. I saw Captain Wirz order this man put in the stocks. He was at his headquarters at the time. The man had just been brought back under guard for making his escape. He was alone—I do not know how long he had been out. I think I heard him say at that time how long he had been out, but I do not remember how long he said. I do not know who brought him back—I think it was a confederate from his uniform. There was only one guard. I heard Captain Wirz call the prisoner "a God-damned Yankee son of a bitch." After Wirz used this language to the

man he was going to speak back, when Captain Wirz prevented him by pointing a pistol at him, and he told him he would fix him and ordered him to the stocks. I saw him there twelve hours. I am sure he had escaped. I am sure it was in the latter part of August. I saw Captain Wirz there at that time. I could not have been mistaken as to the person. I should not think myself mistaken should you tell me for a certainty that he was not there during that month, because I know he was there.

GENERAL JOHN H. WINDER.

By the COURT:

I have seen General Winder ride around the prison and give orders. It was generally understood that he had command of the post, although I do not know personally that he had.

REMARKS IN REFERENCE TO HAND-CUFFING PRISONER.

Upon the meeting of the court on the 30th of August, General Thomas stated that the prisoner, as he had been informed by his counsel, had last night been confined with hand-cuffs which had injured his wrists. While he (General Thomas) was well aware that the court had no control or responsibility with regard to the treatment of the prisoner outside of the court-room, yet, as the prisoner while in prison might need to write for the purpose of preparing his defence, it might be worthy of consideration by the court whether such rigorous treatment as confinement with hand-cuffs might not be dispensed with.

The JUDGE ADVOCATE stated that the treatment referred to had been resorted to as a matter of precaution and at the suggestion of one of the counsel of the prisoner, (Mr. Baker,) who had stated on the evening of his proposed retirement from the case, that he believed there was great reason to apprehend that the prisoner might commit suicide before the next morning.

It was not unusual for prisoners charged with offences such as are alleged against Captain Wirz, to be kept in close confinement and with hand-cuffs.

The court was responsible for the treatment of the prisoner only while he was in the presence of the court, and could not with propriety direct the nature of his treatment while in custody of the prison-keeper. The government did not propose to apply the *lex talionis*. Doubtless, if the court desired it, Colonel Colby would exempt the prisoner from any such treatment in the future. If the prisoner's wrists had been injured by the hand-cuffs, it was no doubt unintentional and was altogether unknown to Colonel Colby.

General THOMAS. I mentioned this matter simply because it had been suggested to me by one of the prisoner's counsel. I distinctly stated that the court had nothing to do with the prisoner while not in its presence.

Mr. BAKER said that on the evening referred to, the prisoner was in a state of mind so distracted that it was a matter of grave apprehension as to what he might be tempted to do, as he at that time said to his counsel that if they left him then, he would never again come into the presence of the court. Counsel had stated this at the time to the judge advocate, and had added that he did not know but that it was necessary to confine the prisoner closely. But that suggestion was intended to be limited to that particular time, and probably ought not to have been made at all.

The prisoner made no complaint himself of any harsh treatment; the guards and others in charge of him had been uniformly kind. The fact that he had been injured last night by the hand-cuffs was doubtless one of those accidents for which no one was to blame. But for the sickly condition of the prisoner, the hand-cuffs would not have injured him. He (Mr. Baker) was sorry that his

colleague had brought the matter to the attention of the court. He presumed that the same thing would not occur again.

The JUDGE ADVOCATE. The government must take its own course with regard to its prisoner.

Mr. BAKER. It will not occur as a consequence of any suggestion of mine.

The JUDGE ADVOCATE. Certainly not.

AUGUST 30, 1865.

THE ORDER ASSIGNING CAPTAIN WIRZ TO DUTY AT ANDERSONVILLE THE EXTENT OF HIS COMMAND.

ALEXANDER W. PERSONS, for the prosecution:

I have been employed for the last four or five years in the Confederate States army. I was lieutenant colonel of the 55th Georgia volunteers. I was on duty at Andersonville from some time in February, 1864, till about the last of May, 1864. I was sent there to command the troops. Subsequently I was advanced to the command of the post and remained in the character of post commander until I was relieved—which was some time in May or June. Directly after my command was captured at Cumberland Gap, I went to Richmond and reported directly to the secretary of war for duty. He gave me instructions to report to General Winder. General Winder instructed me to report at Andersonville. He stated that at that post there were three separate and distinct departments; one was known as the officer commanding the troops, another as the officer commanding the prison, the other as the officer commanding the post. He assigned me to duty as the officer commanding the troops. I think there was no prison officer there when I first went there. The first prison commander proper was Captain Wirz. He assumed control of the prison the latter part of February or some time in March, 1864. He came direct from Richmond. My understanding was by order of General Winder. I saw an official order to that effect. I received a communication about the time Captain Wirz reached there; whether he brought the communication or not, I do not know; I received it by hand about the time he came. That communication was from General Winder. It stated——

Mr. BAKER objected to witness stating the contents of the communication.

WITNESS. The letters were all deposited with the orders in pigeon-holes; I don't know what became of them. This letter related to the assignment of Captain Wirz.

The JUDGE ADVOCATE claimed the right to introduce evidence as to the contents of the letter, as that letter was not among the papers captured and now in possession of the government.

Mr. BAKER withdrew his objection.

WITNESS. The letter merely stated that Captain Wirz was an old prison officer, a very reliable man and capable of governing prisons, (that is about the substance of it,) and it wound up by saying that I could give him command of the prison proper. It was simply a letter of recommendation from General Winder, concluding by saying that I should give Captain Wirz command of the prison, and he was so assigned. I don't recollect the date; it was the last of February, I think, or about the 1st of March—not later than the middle of March. I don't remember who was the ranking officer in charge of the guards and sentinels on duty at that time; he was perhaps a captain of my regiment. The control of the prison and prison-guards was assumed by Captain Wirz pretty soon after he reported. Captain Wirz had control of the sentinels after they were put on duty—after guard-mounting. Under the instructions I had a requisition was made upon me for troops to guard the prison. I was under instructions to make an order or requisition upon the officer commanding the troops for the number required by the officer commanding the prison. They

were then immediately detailed; guard-mounting was gone through with and they were ordered to the prison, where Captain Wirz, commanding the prison, had jurisdiction and control of them. He had control of the prison, and of the guards after they passed into his hands. That continued to be the rule while I was there.

BY WHOM THE PRISON WAS LOCATED.

The prison was laid out by Captain W. Sidney Winder, by order of General Winder. The original capacity of the prison was for ten thousand; so he told me. I reached there just before they completed the work on the prison; they had one-half of a side to finish when I reached there. I suppose they had some fifteen or twenty negroes at work there. I know the stream that passes through the stockade, above and below the stockade. About one to three miles from there there is a stream five or six times the size of the stream upon which the prison is located. It occurred to me that that would have been a preferable place to the one where the prison was located. I suggested that to W. S. Winder—I believe I recollect distinctly that it was one of the Winders—about the time I went there—about the time the prison was built. W. S. Winder told me that he had absolute discretion in the location of the prison; that he examined a great many places in southwestern Georgia.

Mr. BAKER objected to witness stating what he was told, unless it was connected with the prisoner.

The court, after deliberation, overruled the objection.

GENERAL JOHN H. WINDER AND SONS.

I knew General Winder; he relieved me, I think some time about the last of May or 1st of June. He was, as I understood, in command of all the prisoners; had control over everything. W. S. Winder was a son of General John H. Winder. I knew Richard B. Winder; he was a quartermaster at that prison. He had the duty of quartermaster, such as furnishing transportation. I think the bake-house was under him; also the furnishing of fuel; all the duties devolving upon a quartermaster fell on him. The Winders seemed to act in concert; they worked together.

THE POSSIBILITY OF ERECTING SHELTER FOR THE PRISONERS.

While there I took steps to erect shelter for the prisoners inside the stockade. When I was there, the railroad upon which the prison was located was worked to its greatest possible capacity in feeding Lee's and Johnston's armies, and it was with the greatest difficulty that I could get transportation on that road. Perhaps in ten or twenty days they would give me one train. I held constant communication with the superintendent of the road, and every time I could get a train, I would have that train loaded with lumber and brought through. During my stay, I had concentrated there, I suppose, about five or six train-loads of lumber. I suppose there were six or eight or ten cars in a train. There were altogether about fifty car-loads. I was in the act of erecting shelter, was just carrying the lumber, when I was relieved by General Winder. He arrived there about the same day I was relieved. I went into the stockade several times after I was relieved from duty, and I saw no shelter there. I saw forty or fifty houses springing up outside of the grounds. The lumber disappeared in that way. I suppose there were between fifteen and twenty thousand prisoners in the stockade at the time I was relieved.

We had scarcely any transportation there, scarcely any wagons, only a very few inferior wagons owned by a private individual by the name of Peggott. I was there in the better days of the stockade; they suffered but very little for

wood while I was there. The stockade, as I remember, was simply woods enclosed. All the trees inside the stockade suitable for contributing to the building of the stockade, I suppose, were used for that, leaving a great many very large and very small trees inside the stockade; when the prisoners first went in it was a wilderness, as it were. The authorities never did remove those trees and undergrowth; the prisoners used them in making themselves shelter. I never went back to the prison after being relieved, except in the character of counsel for some persons who were arrested and tried by a military court. The timber at that time had all been cut away for perhaps a half mile round from the centre of the prison. It was made, as it were, a barren waste. I noticed one shelter, something on the order of an ordinary horse stable, or something to shelter mules. It had no covering on the side; it was simply covered overhead. It was located on the north side of the prison, and perhaps there was one on the south side.

INJUNCTION TO RESTRAIN THE REBEL AUTHORITIES FROM CONTINUING THE PRISON.

I was interested in a proceeding to enjoin the rebel authorities from further continuing the prison at Andersonville. In the character of counsel, I drew a bill for an injunction to abate the nuisance. The grave-yard made it a nuisance, and the military works, fortifications, etc., made it highly objectionable to the property-holders there, and the prison generally was a nuisance, from the intolerable stench, the effluvia, the malaria that it gave up, and things of that sort. After I drew the bill, I went to see the judge of the district court; I read the bill to him, and asked him for the injunction. He simply said that he would appoint a day on which he would hear the argument in chambers. He appointed a day; I made preparation for trial, went down, or was in the act of going, when I received an official communication from General Howell Cobb, of Georgia, in which he asked me if I was going to appear.

Mr. BAKER objected to witness stating the contents of the communication.

I expect I destroyed that official correspondence; I have no recollection whether I destroyed it or put it away. I have not thought of it since. General Cobb asked me if that bill was to be charged to me, the bill against my government, as he termed it. In reply to his communication, I wrote him that I drew the bill, and that it could be charged to me. He replied, through his adjutant general, Major Harrit, that he deemed it inconsistent with my duty as a confederate officer to appear in a case like that, of a bill against the government; and he therefore ordered me out of the case, and I obeyed the order. General Cobb at that time commanded the department of Georgia and the reserve force of Georgia. I said that he ordered me out of the case. Let me be more explicit on that point. He wanted to know if I drew the bill; I said that I did; I discovered by the tenor of his communication that I would be treated by court-martial, or something of that sort, and to stave the matter off, I said to him that if he deemed what I had done in the matter unofficer-like, I would retire from the case. He said he did deem it that way, and would be glad if I would retire without being driven from it. That is about what he said in the communication. That was some time in July or August; Colonel Gibbs was in command of the post. I mean to say that Colonel Gibbs at the time was supreme officer at Andersonville, the officer commanding the post. I mean, when I say he was supreme officer, that he had more rank than any other man at Andersonville. I do not mean that he commanded the prison. I do not remember what time of the year it was; some time about the last of the summer or the first of the fall. It was just before the prison underwent dissolution. I don't remember when that was. I don't think we were there a month afterward.

THE POSSIBILITY OF ERECTING SHELTER FOR THE PRISONERS.

Cross examined by COUNSEL:

I think about five train-loads of lumber came there, perhaps fifty car-loads in all. I cannot give an estimate of the number of feet. I have no idea of the extent of ground that lumber would have covered over in buildings; I should think it would cover over two, three, four, or five, acres of ground. It was different kinds of lumber—mostly plank. I have no idea what proportion of it was plank. I suppose that in making a requisition for lumber to build a barracks they would have an eye to what was necessary for that purpose. This lumber was ordered for the construction of barracks for the prisoners inside the stockade. It was through a humane purpose that I ordered the lumber. Captain Wirz had nothing to do with ordering it. I remember that Captain Wirz, time and again, wanted to have lumber brought there. He never attempted to prevent the using of the lumber; he wanted it under the instructions which I had from General Winder. I did not feel at liberty to interfere with the prison inside. I suppose the officer who succeeded me could have used that lumber if he desired. I do not know what his orders were. I never saw any orders forbidding any one from doing any acts of humanity or kindness towards these prisoners. I never saw the order, but I understood it was against the order for citizens or soldiers to trade or traffic with the prisoners. I suppose the quartermaster and commissary would ship provisions over the road for the prison when they would not ship lumber, but it was extremely difficult to get transportation. There is no doubt about that. There was no chance to get any supplies near to that prison except by robbing the inhabitants; it was a very poor section of the country.

THE LOCATION OF THE PRISON.

Before the prison was located there, it was all covered over with woods. I am very well acquainted with the location of camps. It is customary to locate camps in shady places. It was a good idea to locate this prison in the woods; such places are usually sought for, for shelter for horses and troops and prisoners. There was nothing about the location of that prison, that I discovered, that led me to suppose that it was located for any bad purpose; that idea never entered my mind. In know of the prison being enlarged after I went there. It was enlarged after it was created for the accommodation of 10,000 prisoners. I suppose it was enlarged to the extent of ten or twelve acres; about one-third more than it was before. The original capacity of the prison was for 10,000, but I did not think that there should have been more put there after the enlargement. That is my opinion. I am a military graduate, and have studied engineering. I finished my course of study, but did not take out a diploma. I never belonged to an engineer corps. I think I enlarged that prison without any orders. Captain Wirz would not have had any authority to enlarge that prison. He would not have dared to have done it. He was not to be blamed at all for the size of it.

THE DEAD-LINE.

By the JUDGE ADVOCATE:

I do not know who originated the dead-line. It originated some time after Captain Wirz reported there, while I was in command of the post. I did not originate it. It was the duty of the commanding officer of the prison to originate it.

By COUNSEL:

The dead-line was simply a little piece of railing on uprights, running around the interior of the prison, six or eight or ten feet from the wall of the stockade.

It ran entirely around the prison, to the best of my recollection. That is the first line I ever saw. I never saw a dead-line before. I suppose it was called a dead-line because the penalty of passing it was death. It is customary in camp to have an order that soldiers shall not pass beyond such a line. If the order is violated, the man is shot, I suppose. That would be a dead-line. There was no difference at all between the dead-line in this stockade and such a line in camp. The dead-line was a precautionary measure to help to guard that prison. That prison could not have been guarded safely if the men had been allowed to burrow through or to work constantly at breaking the fence around it. I remember that, before that dead-line was established—and I think that it caused it to be established—there was a combination inside by which the prisoners came near breaking through the stockade. They undermined it for a number of yards.

By the JUDGE ADVOCATE:

A line established in camp is simply to prevent soldiers from escaping; it applies to prisoners attempting to escape, and to no others.

By COUNSEL:

The object of the dead-line was to prevent prisoners escaping. Where the sentinal is directed to shoot, I should think the one in camp and the one in prison would be the same.

UPON WHOM THE RESPONSIBILITY FOR THE OVERCROWDING OF THE PRISON RESTS.

That camp was a nuisance to all intents and purposes. The first reason was that the dead were buried so near the surface of the ground that it gave out an intolerable stench. A swarm of green flies spread like locusts over that section of the country. Then the filth of the camp, arsing from different causes necessarily concentrated there. That, with divers other causes, made it a terrible nuisance. I could not have had it otherwise if I had been in command there. If I had ordered it otherwise, I do not think the order could have been carried out, for this reason: when that prison was in its very infancy, in its very inception, and when the officers were instructed not to build accommodations for more than 10,000, there were 40,000 prisoners sent there. Captain Wirz was not to be blamed for that.

By the COURT:

The authorities were responsible for that; I cannot say who. The great blunder on the part of the government was the concentration of so many men at one place without preparations being made to receive them. The authorities were notified of the fact, but to no advantage. I think that some of the higher officials were responsible, but who they were I cannot say. I sent notifications through General Winder that the prison was worked beyond its capacity, that it was a vast, unwieldy thing, and to send no more prisoners; but they kept coming. After I left there there come over 40,000; no man on earth could have abated the rigors of that prison except the man who wielded the power over them. I do not know that man. General Winder was in advance of me, and several others were in advance of him. Who was responsible I cannot say. About that time an order was issued from the office of the adjutant and inspector general putting General Winder in command of all the prisoners east of the Mississippi, giving him absolute control and dominion over them. That order came from General S. Cooper, adjutant and inspector general. I saw that order; I read it closely. The substance of it was about this: They were reorganizing the different prison departments. Some man was put in command the other side of the Mississippi, and General Winder was put in supreme command on this side.

No officer had any right to interfere with him in any shape, form, or fashion; and it was made the duty of all officers at adjacent posts or anywhere else, on requisition made by General Winder or any of his subordinates for troops, to furnish them forthwith. The order gave him absolute supreme dominion and control over that thing. All officers in command of prisoners were to report to him, and to take orders from him. I do not recollect the date of that order; it was about the last of summer. I saw the name of General S. Cooper, adjutant and inspector general, to the order. I studied it particularly because I commanded an adjacent post, and I wanted to understand my duty. I do not know whether it said it was by order of the president or not. I simply know that General Cooper's name was to it.

By the JUDGE ADVOCATE:

The communication I mentioned having sent through General Winder was addressed to him; I reported to him; I reported in reference to the condition of affairs as I found them there; I never addressed any communication to Richmond; I addressed communications to the general commanding the department. Matters were in such a disorganized state that I did not know where to report. I reported to General Cobb sometimes, and sometimes to General Mercier, at Savannah; I addressed my communications as to the condition of things at the prison to General Winder; I never went beyond him; I do not know to whom he reported; I do not know to whom this order made it his duty to report.

THE ORDER ASSIGNING CAPTAIN WIRZ TO DUTY AT ANDERSONVILLE—THE EXTENT OF HIS COMMAND.

By the COURT:

I was in command of the troops at Andersonville first, and had nothing to do with the post; I reported to Sid. Winder, who then commanded the post; the command of the troops was separate and distinct from the command of the post; there was no relation between the two; I had a very inadequate command while there, perhaps not more than 350 men, when I commanded the troops; when I had charge of the post I do not suppose there were more than 1,000 troops there; of course there were fluctuations and changes one way and another; as the prisoners would come in in greater bodies they would send a few troops; the requisition for troops came properly from the prison officers, who knew the jeopardy the prison was in; I do not recollect whether the prisoner at the bar ever made a requisition of that kind or not; I know that officers often talked about more troops being needed; I do not recollect the number of guards daily in charge of the prison, I suppose from fifty to a hundred; I never did, as commandant of the post, exercise any jurisdiction over the prison.

By COUNSEL:

I do not think that there were more than eight hundred or a thousand troops there while I was there; I suppose there were eighteen or twenty thousand prisoners there at the time; the duty of guarding eighteen or twenty thousand prisoners, properly, by a thousand troops, having other duties to attend to, was very heavy indeed.

AUGUST 30, 1865.

THE SUPPLY OF MEDICINES IN THE MEDICAL PURVEYORS DEPARTMENT.

BENJAMIN F. CLARK, for the prosecution:

For the last four years I have been employed in the medical purveyor's department, rebel service; for two years or more at Richmond, and the remaining portion of the time at Wilmington and Raleigh, North Carolina. After we left Wilmington we went to Raleigh, and finally surrendered at Greensboro'; I had occasion to notice the quantities of supplies and medicines kept for the use of

the confederacy; the supply has always been limited; we have had ourselves to resort to the indigenous preparations, but there was always a disposition shown on the part of our department to furnish the federal prisoners with such medicines as our own troops received; I never knew any difference to be made in the issue. As far as my knowledge goes, we were always enabled to fill requisitions made upon us for the different armies of the confederacy; I never knew any distinction made in the furnishing of supplies; they were always furnished when requisitions were made upon any purveyors where we were serving for the Andersonville prison. To the best of my recollection there were requisitions sent from Salisbury, North Carolina, which were honored; I was in charge of supplies at Greensboro', North Carolina, with the medical purveyor, when the supplies were surrendered to the federal government; there was about three car-loads, I think; the medicines which were surrendered was the surplus which constituted the department.

Cross-examined by COUNSEL:

Some few of our supplies were indigenous preparations, and others were imported; the supplies were imported by running the blockade; the chemical portion of our supplies of medicine was generally imported; the vegetable preparations were native, not all of them however; there were some few vegetable preparations that were imported; I should think that tonics or stimulants were most needed for hospitals in the army; the greater portions of the indigenous preparations, such as abound in our own country, were tonics. We required both the native and the imported for the hospitals; the imported was more resorted to than the native; I think they were more required; the south never supplied any medicines manufactured there before the war; they were principally procured from the north; all their native supplies originated since the war commenced; it is very difficult to institute the manufacture of medicines, and it takes a long time to do it; we never fully succeeded in doing it; it has taken a very long time to discover many of the native medicines in the southern confederacy; the manufacture of the native supplies in a proper manner to be used, I should think depended altogether upon the article that you wished to prepare. The native medicines were very defective in quality, for we had not the facilities for preparing them for use as they should be; I am somewhat familiar with the compounding and manufacture of medicines; we have a proper formula to go by in making preparations, and we have to confine ourselves strictly to it; that formula consists of many things that could not be obtained in the south. As far as my opinion goes, I have not much faith in indigenous medicines; I have faith in them to a certain extent. I do not know that I am capable of giving any opinion on the subject; I am not a graduate of medicine; it was a general complaint by officers in our department, that it was impossible to obtain medicines, either native or imported; as I said before, our supplies were limited, but we managed to make out; we had to economize a very great deal; we generally had to reduce the quantities called for; when orders were made we filled them in such proportions as we could; that proportion was generally much less than what the order called for; in no case have I ever known of medicines being refused at our department; we always furnished what we could; I think requisitions from Andersonville would have been entertained; it depends upon whether our department was the nearest purveyor; the regulations required surgeons to make demands on the nearest purveyor; the difference, if any, between filling orders from Andersonville and filling orders from other places depends altogether upon what the supplies were. If there was a medical purveyor's department nearer to Andersonville than ours, it is possible that the requisitions from there would be referred to it; this is a matter which would rest with the medical purveyor; as far as my knowledge goes, I think the requisition from Andersonville would have been honored just as much as other requisitions.

By the COURT:

There was always a supply on hand, but we never had a plentiful supply; we were disposed to furnish such as we had, and made no distinction whatever; we furnished the same to federals as to confederates; there was a rule that we should keep so much of each article on hand, I cannot say how much without a supply table; our capacity was for twenty thousand men at Wilmington, but at Raleigh we had to supply for forty thousand men, including Johnston's army; I do not recollect having ever furnished any supplies at all for Andersonville; I am not prepared to say whether the requisitions for Andersonville would have come there or not; the principal medical depot was at Charlotte, North Carolina.

AUGUST 30, 1865.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863 AND 1864.

JAMES VAN VALKENBURG, for the prosecution:

I reside near Macon, Bibb county, State of Georgia. I have lived there nineteen years. I was there during the rebellion. I have been at Andersonville. So far as I know the crops have been about medium. There were certain sections of the State of Georgia last year that suffered considerable from drought, and in certain other portions the crops were exceedingly good. I am speaking of the year 1864. I should suppose as to provisions it was more than an average crop, inasmuch as no cotton was planted, and all the ground was pretty well planted in provisions. I should think the provision crop was larger than before the war. The regulation in the south requiring farmers and others to pay tithes for what they grew was, that they were to bring in one-tenth of all they raised of provisions of various kinds, corn and wheat and potatoes, and a certain proportion of their meat. I am not exactly sure what proportion, but I should think about the same ratio, one-tenth. Macon is about sixty-five miles from Andersonville, by railroad. It would be impossible for me to state what stores were in Macon during the year 1864. There were a great many storehouses where provisions were stored of various kinds—sugar, rice, molasses, meat (bacon,) corn, wheat, flour, &c. I have not been at Americus as commonly as at Macon, but when I have been there, there seemed to be very large quantities. I saw a great deal of stores in various warehouse. Americus is nine miles from Andersonville; it may be a little further than that; it is possible I may be slightly mistaken on that point.

Cross-examined by the COUNSEL:

I reside about ten miles from Macon. I have lived in that county nineteen years. I have lived fifteen years at the place where I live now. For the last two years I have been doing nothing of any consequence. I was burnt out about two years ago, and have been out of business. I live in the country. I have been away from home very little during the last two or three years. I have often remained away over night. I have been as far as Americus. That is about sixty or seventy miles from my place. I took the cars from Macon direct to Americus and back. I have not been to any other place than Americus, frequently, since the commencement of the war. I have taken a paper during the last two or three years. I have generally taken the Macon Telegraph, a daily paper, for one, and the Macon Messenger. I always take one or two papers. I take them daily. I have not been in large assemblies of my neighbors there, often—once or twice. I have not met persons from different parts of the State, at my place. I have sometimes seen them in Macon. I would met them casually. Most every week when I would be in town I would see somebody from some other part of the State. I have travelled very little to other parts of the States; I do not know that I have at all, only down that road. I got into the

cars at Macon and rode up to Americus and then rode back, unless I stopped at some of the intermediate landings. I sometimes did that. The country between Macon and Americus is part cleared land, part swamp land, part oak land, and part pine; it is mixed up. It is not a rocky country. It is rather rough—not mountainous. There are farmers along that road. There are as many as could settle in the country between one place and the other; it is pretty well settled all through. Some are large farmers and some smaller according to the quantity of land they own. At a rough guess I should say half of the country is wooded and swamp land. I have not been connected with any of the departments of the southern confederacy during that time, nor with any of the State departments. I know nothing of the supplies of the southern confederacy excepting what I have seen. I am able to say that the crops have been plentiful in Georgia from general knowledge, and the papers that I speak of, and what I saw myself, general reading and general observation; seeing farmers from different places, I have asked them the question "How the crops were?" I have heard farmers from some places complain of a deficiency of the crops. I have heard them complain of drought and their crops being short. I never heard that general complaint, nor saw it in the papers. I have seen places reported as suffering from drought, and others having abundant crops. I should think that the supplies necessary for an army in Georgia have been abundant for the last two or three years.

By the COURT:

There was a large quantity of wheat grown in that section of the country; some near Andersonville. There were flour-mills there; I could not say how near Andersonville. I know there were flour-mills around there. I know my son-in-law, who lives in Americus, had a large quantity of wheat and had no difficulty in getting it ground. He told me he raised more wheat last year than ever in his life before. Some of the flour-mills were what we called merchants' mills, and some mills doing a smaller business, merely grinding for tolls. I do not know how near to Andersonville there was a flour-mill. I know there was a large one at Macon. Georgia is considered a corn-growing country, but it is generally considered a good country for wheat also. I think some of the best wheat that is raised in Georgia is raised in southwestern Georgia. Some seasons it does not do so well. It is not so safe a crop as in the north part of the State, but when they make a crop, farmers tell me—I am not a farmer—it is better than the weat grown in the northern part. I do not know how often they make a wheat crop.

By COUNSEL:

If I recollect aright, 1863 was the year in which there were some failures in the wheat crop. I think there was not a great deal of failure in all the crops in Georgia in 1863. The wheat is mostly gathered in May and the beginning of June. The corn crops are later; they can gather the corn any time before the winter sets in. The new corn crop is gathered about the first of September. They get meal from their crops—they take it to the nearest mill and get it right away. Sometimes they are short of old grain and get new grain as soon as they can. Corn can be made ready for the mill in the course of a week after being gathered; but generally for the purpose of trade and commerce, not so soon as that. I think that corn in ordinary seasons is ready for the market by October. If I understand it aright, southern farmers try to get their crops out of the way as soon as they gather it—either dispose of it or lay it up for their own use, which is generally done in midsummer. I know there are mills in that country. In passing along I have had places pointed out which I was told were mills. I should think I could count five or six from Macon down to Americus—in a distance of seventy miles on that route. I know of many more. They are generally

run by water. Some are mills where they grind for tolls for farmers; some have two or three run of stone. I know a mill there with three run of stone. I do not know how many there are of that class. I have been into three or four of that class. I know that a mill in Macon has a large number; I think about four run of stones. There is a mill not far from me that has two run of stone, a very fine merchants' mill, but a small one. The quantity that an ordinary mill can turn out per hour, with one run of stone, is very uncertain; some days they grind three bushels an hour, and some twenty bushels. There are mills there that grind twenty bushels an hour. I owned one myself. I ran it since the war commenced, in 1861 and 1862. It was burned down in 1863. There was no other mill burnt down in 1863 excepting mine, that I know of.

By the COURT:

I have seen large quantities of flour in the storehouses in Macon. I do not know that I have seen any in Americus. That was all the time along during the war. I have been looking for flour to buy and have seen large piles of it, and was told it was government flour and could not be had.

MEDICAL TESTIMONY—CONDITION OF PRISONERS IN THE STOCKADE.

AUGUST 30, 1865.

Dr. F. G. CASTLEN, for the prosecution:

I have been in the confederate army during the last two years. From May until September, 1864, at Andersonville; the remaining portion of the time in South Carolina. I was surgeon of the third Georgia reserves while at Andersonville. I occasionally had opportunities of observing the prisoners in the stockade at Andersonville. Their condition was deplorable; language could not express the condition in which I saw them at that time. The stench was intolerable. It sometimes came up to my camp, a half a mile distant. It was only during an east wind that I was troubled with the stench arising from the stockade. I saw negroes at work there at one time. I do not know in what numbers; twenty or thirty, I suppose.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

It was a pine country about there. Farms were carried on there. I have seen cucumbers, squashes, cabbages, potatoes, collards, and melons in market. I was at market frequently. I saw different kinds of vegetables there at different times—not all I have mentioned at the same time. I don't suppose my regiment procured their vegetables from the market; they generally got them from their homes. I have seen vegetables in the camp at different times. I do not know that they purchased them at market.

THE SUPPLY OF MEDICINES.

At one time my regiment was very unhealthy. That was in June, I think. They were in a very healthy condition afterwards. I had no difficulty in getting medicines that I wanted.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I have seen the prisoner, Captain Wirz. I do not know what his duties were officially at Andersonville. I saw acts of cruelty committed by Captain Wirz on one or two occasions. At one time the prisoners were being removed, I think to Savannah. One prisoner was out of the ranks; Captain Wirz jerked and struck him, I think, once or twice; don't remember how many times, but I think once or twice.

MEN BITTEN BY THE DOGS.

I saw one man who had been bitten by the dogs. I saw the dogs bite him. I saw the dogs running down the swamp below my camp. I went down, and when I reached the brow of the hill, I heard the dogs baying; going down, I saw this man up the tree. I heard some one order him down. I don't know who it was. He came down, and I saw the dogs seize him. Captain Wirz was there with the hounds.

Cross-examined by COUNSEL:

ACTS OF CRUELTY COMMITTED BY WIRZ.

The prisoners were being removed to Savannah in August or September. I don't know which. It was the last part of August, or first part of September, I think. The prisoners, at the time of this assault, were standing in front of Captain Wirz's headquarters. There was not a large crowd around the prisoners. I did not see a large crowd; there were a good many prisoners. There was no disturbance that I saw, except this man falling out of ranks. I was at that spot half an hour, I suppose. Captain Wirz struck the man with his right hand. I do not know whether Captain Wirz was or was not to blame for the awful condition of the prison. I never saw any othor acts of violence by Captain Wirz, excepting what I have described. I never knew of any other.

MEN BITTEN BY THE DOGS.

It was about the first of August that I saw Captain Wirz pursue a prisoner with the hounds. He was between quarter and half a mile from the prison. I did not see him set those dogs on that man. I don't know who set them on. I did not see him in the water up to his knees trying to prevent the dogs from biting that man. I did not see him making any attempts to keep the dogs from biting that man. I did not see him seize that dog. I was from twenty to thirty feet from him, I suppose. It was woody in the swamp, but not outside. The man was in the swamp. When he came down from the tree, the dogs seized him, and they bit him after he came out of the swamp. I do not know that Captain Wirz set the dogs on him after he came out. I do not know that the biting of the doge was accidental. I just saw them bite him. The dogs were common fox-hounds. There were some five or six in that pack, I believe. I don't think I ever saw that pack but once; that was the only time. I know of no other pack but that one.

By the COURT:

I do not know what became of the man who was bitten. He went off, I believe, in charge of Captain Wirz. I did not follow him any distance. The wound did not disable him; he walked off.

AUGUST 30, 1865.

ANDREW J. SPRING, for the prosecution:

I was in the military service of the United States for three years. I was n the sixteenth Connecticut. I was taken prisoner. I have been at Andersonville, Georgia. I went there the 3d of May, 1864. Captain Wirz was in command. At the time I went there there were in the prison from 12,000 to 15,000.

CONDITION OF THE PRISONERS IN THE STOCKADE.

At the time I went there I found the prisoners very destitute in clothing, and you could not tell, in many cases, whether they were white men or negroes. They were very filthy; they did not look as though they had the means to

wash themselves, or did wash themselves. I remained in the stockade till May 27, 1864. I do not know who the surgeon in charge was. I was not acquainted with the surgeons at all. I did not know a doctor while there. I heard that there was such a man there. I was acquainted with Dr. Barrows.

CONDITION OF THE WATER.

I noticed the condition of the water in the stream that ran through the stockade; at that time it was very good, but before I went out it became filthy and not fit to use, because of the rebel camps outside, through which the stream passed. They did their washing, and the like of that, in the stream above, and it came down through the stockade.

THE RATIONS.

There were no cook houses on the stream when I went there. One was established soon after, in which they did their cooking and baking for the prisoners; it was outside the stockade. Bacon, rice, beans, (or peas, they call them,) and corn-bread were cooked there. I was assigned to duty in that bake-house. The quality of the rations was very poor indeed. The meal that I helped to bake was very coarse and looked as though it might have been ground up, cobs and all, and it had to be cooked without salt about two-thirds of the time; as for the bacon, that came in all spotted, and it was full of maggots before it was cooked. The cooks had to boil it in water to cleanse it as well as they could, but they could not make it fit to eat any way. It was issued to the prisoners raw when we first went to the stockade. A prisoner s ration of bread was generally half a loaf of this corn bread that would weigh perhaps 3 to 5 ounces, not exceeding five ounces. When we first went into the bake-house, all the bacon, peas, and rice were cooked at the lower bake-house, which was all the bake-house we had, and they were given out there to the men at that time. Each prisoner received about two ounces of bacon—not more than that—this fat bacon, sometimes it would be very good, but as a general thing it was full of maggots and not fit to eat, so that the men had better let it alone than eat it. I never was in the store-houses. I do not know the quantity they had, with the exception of the meal. I was over to the depot, at the store-house there, and it was full of meal piled up. There was also any quantity of flour, but I don't know where that flour went to; I know that I never received any. They never issued any flour. On the 3d of July, I think it was, Captain Wirz, after roll-call in the morning, came out from the stockade to the bake-house. One or two men were missing from the stockade. I saw him when he came from the stockade gate. He came to Captain Duncan, commanding the bake-house, and told him not to issue any more rations to the men inside of the stockade until those men were found. They commenced issuing ration again the next day about 3 o'clock. The rations of bread that had been baked the day before were issued. It had been piled up in the bake-house in order to make room there, consequently the steam from the bread caused it to sour, and it was very poor bread. The second day it was very warm weather, and instead of issuing any raw rations they issued all cooked rations. As a general thing they issued raw rations to one-half of the stockade one day and one-half the other day.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

No vegetables were ever issued there with our rations. I think any quantity of vegetables were to be had in that vicinity. I procured vegetables after I was outside in the bakery. I procured all that I needed, and also sent quantities in to our boys by smuggling them by the guards. I procured them mostly from the 55th Georgia boys, and the 3d Georgia regiment's sutler furnished me with a supply that I had. I think there was plenty of green corn to be had

there; there was a large cornfield about a quarter of a mile the other side of the big stream, below the 55th Georgia regiment; I should think there was quite a large field there, 75 to 100 acres, I should think. I purchased vegetables of citizens. Citizens would very frequently smuggle things down there by the bake-house on their wagons, pretending that they had business there. They would stop and sell provisions to us for the sake of getting greenbacks; they would rather trade with us than with their own men, because they could get hold of greenbacks; there were strict orders prohibiting trading of that kind. The orders were issued by Captain Wirz. That was a peach-growing country. I procured great quantities of peaches there and smuggled them into the stockade to our boys. I should judge the supply was good from the way they came in; almost any of the confederate troops had peaches there in any quantity. When such things were taken into the stockade to our boys, Captain Wirz, if he discovered it, would confiscate them, and take them to his headquarters: and he also gave orders to the sergeants at the gates that of all the things which they could confiscate from our boys, they should have one-half for getting it away from them. That applied to vegetables, peaches, sweet potatoes, onions, and all such things as that that we could get.

THE SUTLER.

I knew the sutler to the prison. The rebel sutler, when I first went inside the stockade, was a man named Selman; they called him Adjutant Selman. He remained there I suppose until he had got the biggest part of the prisoners' "greenbacks," and there was not much use of his staying there. He was there in May, June and July, and I don't know but he was there a part of August. I never procured anything from him myself. One of our boys, after Selman went out, got permission to run the sutler stand himself. I saw him buy stock of this Selman. He kept a sort of sutlery over at the headquarters of General Winder. I saw this man procure the articles from Selman; I have seen him carrying vegetables, such as watermelons and green corn, and also tobacco and such things as that.

CONDITION OF THE PRISONERS AS TO MENTAL CAPACITY AND PHYSICAL SOUNDNESS.

Before I was taken out many of my own men became sick with chronic diarrhœa, and there were many cases of scurvy. Soon after I went into the stockade I found almost all my boys in there were afflicted more or less with scurvy; a great many were crippled up, so that they could not walk, and had to crawl on their hands and knees or get along the best way they could; some of them could not do even that. There was a change in their whole appearance. I was absent from there, at one time, about six weeks; there was an order issued so that we could not get into the stockade; the men who were paroled outside did not have permission to go in to see those inside the stockade; one day I was bound to go in, and I applied to the lieutenant of the guard at the gate and gave him twelve dollars in greenbacks to let me go in and stay an hour, to see our boys; I went in and spent an hour inside the stockade; a great many of the boys were very poor; there were some of my own best friends whom I could not recognize until they came up and shook hands with me and made themselves known, and, even then, I could hardly believe they were the same men; I have seen idiots in the stockade; I have seen men, acquaintances of mine, who would go around there not knowing anything at all, and hardly noticing anything; I have seen men there who were crippled up so that they had scarcely any life in them at all; they would lie on the ground, to all appearances dead; at different times I went up to several who I thought were dead, but I found they had a little life in them; I was intending to help some

of them, but after I helped one, I was called from one place to another, and I found that I had more than I could attend to, so I had to leave them entirely.

THREATS OF WIRZ.

I saw men apply to Captain Wirz for the privilege of going out on fatigue work. At one time a squad of men, of about eight or ten, I cannot tell the exact number, were out after wood; on their return they stopped to rest; while they were resting Captain Wirz came along on his horse; one of them got permission from the guard to speak to Captain Wirz. He asked Captain Wirz if he had not something outside for him to do, so that he could go out and have an extra ration. Captain Wirz replied in the way he usually did to prisoners; he called him a "God damned Yankee son of a bitch;" he told him to go inside the stockade and stay there, and that he would starve every God damned one of them to death. That was his common reply to every one of the prisoners who had anything to do with him. At another time he made a similar reply that I heard; one of the boys had got away from the bakery to make his escape; after he was caught Captain Wirz came down to the bakery; there was quite a crowd there; Captain Wirz said to the man, "you God damned Yankee son of a bitch, if you ever try to get away again I will shoot you just as sure as I goes to hell, and I know that I goes there." That was a common remark with him.

RATIONS DRAWN FOR THE DOGS.

I frequently saw hounds about there. They used to draw rations for these hounds at the bakery. They drew the bread which I supposed was cooked for the men inside; they issued for these hounds there about twenty-five or thirty loaves.

THE SUPPLY OF WOOD.

There was any quantity of wood in that part of the country which could have been issued to the prisoners. I saw negroes about there; I saw them cutting wood. At the time they expected Stoneman's raid down there, soon after the capture of Atlanta, I saw from 500 to 1,000 negroes chopping wood to the westward, so as to make a range for the use of their artillery. They also at the same time put up two stockades around the main stockade of the prison and made a place for the artillery to work around the prison, so that if our own men should make an attack on the prison to release the prisoners, their fire would go directly into the prison.

MEN BITTEN BY THE DOGS.

I saw the hounds exercised; I saw them several times when they were taking men's trails, but I saw them one time when they caught a man; I think it was about the last of August or the first of September that I saw a man who had been brought in by Captain Wirz, and this man Turner, who had charge of the dogs. The man was bitten very badly. Captain Wirz went over the hill. The man was brought around by the bakery. I was well acquainted with the guard, at least by sight, and I asked him where the man was caught. He said he was caught over here by Captain Wirz and Turner, the man who had charge of the hounds; that the man was in a tree and was shaken down out of it.

Mr. BAKER objected to the witness stating what he heard from others.

By the COURT:

Q. Who told you this?

A. The guard who brought the man in and the man himself.

The court, after deliberation, sustained the objection.

THE CHAIN-GANG AND STOCKS.

I saw a chain-gang there; I have seen them every day; there were thirteen of them in it at one time; they were in two ranks; each man had a chain and shackle around each ankle, a chain going from the front side of the ankle to the next one before him, both legs shackled so that they could step but eight or ten inches at a time. The men had to keep step with each other. Each man had a small ball (I do not know the weight of it) outside the leg, which he had to carry in his hand when he travelled, and also a 64-pound ball to every four men. There was a large shackle round the neck with a large chain, much larger than that fastened to the legs, around their necks, reaching around the circle. I have known one man to be reduced so low that he was taken from there and sent to the hospital; I cannot tell his name; I cannot tell what date; he was taken to the hospital and soon after died. I should think this was some time about the middle of August. These men were put in the chain gang for trying to make their escape. I saw men in the stocks every day, almost. They were sometimes put in the stocks for trying to get away. After they were taken out of the stocks they would be put in the stockade again. Most of these men were men who had been outside on parole.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a man shot there. I never saw the prisoner give orders to shoot men. There was one man shot there on the 15th May, from the first sentry-box next the south gate. The man who was shot was inside the dead-line, or I suppose he was. I saw the man shot and I saw him after he was shot. I was on the north side of the stockade. I saw the smoke of the gun and went directly over. The man lay inside the dead-line. About the time I got over there Captain Wirz was in the sentry-box with the guard. Directly after that Captain Wirz came inside the stockade. He drew out his revolver and swore he would shoot all the men there if they did not get away from the gate, and the men scattered. I do not know that I saw any communication between Captain Wirz and the sentinel. When he stood in the sentry-box he was close to the sentinel; the sentry-box was not more than four feet square. I saw another man shot there. A short time after that—perhaps six or eight days—there was a man who was asleep under his blanket in the middle of the day. The stockade being so crowded, he had to lie near the dead-line. This man, while he was asleep rolled over under the dead-line. As soon as he rolled under it he was shot. That was in May, I think, from the 20th to the 25th. The ball went into his back and killed him instantly. I do not think he knew what hurt him. I do not know his name. I did not see the prisoner at that place then. The ball struck the first man I spoke of in the temple and went down into his breast. He was taken off to the hospital, which was then inside the stockade, and he died on his way to the hospital. He was not a sound man; he was a cripple, a one-legged man.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

I have seen our darkey prisoners hauled up there and receiving from fifty to seventy-five lashes a number of times; (to the court,) I mean our negro soldiers.

I can speak of one of them in particular; one of them was sick and refused to go to work. The man who had charge of the gang at that time—I forget his name—reported the matter to Captain Wirz. Captain Wirz came along and ordered the negro to be taken up to the stocks and whipped; I forget the number of lashes the man got; I saw them given to him. I believe that the man who whipped him was named Humes; he was generally called quartermaster, but was nothing but a private soldier, as I understood, to issue rations from the bakery to our men in the stockade. He used to go in with the wagon and issue the rations.

GENERAL JOHN H. WINDER AND SONS.

I knew General Winder by sight; I saw him riding round the stockade. I saw him at one time come down there about the 1st September with an order; he went into a sentry-box and read the order to our men. It was to the effect that there was a general exchange to commence. That was before they commenced moving off our men, after Sherman had taken Atlanta, and when they expected Stoneman down there. I was not exchanged. There was no one exchanged at that time. The squad which they said was about to be exchanged was taken direct to Millen. They were exchanged from one stockade to another, that was all. I saw Captain Richard Winder ride by there on his horse. I do not know whether he was on duty there or not; I never received any orders from him. I have seen Captain W. S. Winder there. I believe he was on duty there at one time, but I do not know what his duty was. I have seen the whole staff riding round the prison several times.

Cross-examined by COUNSEL:

I cannot tell what months I saw Captain Winder ride through the prison; at different times. I never saw him ride through the prison, but around the prison, outside. Perhaps I may have seen him ride around the prison outside twelve or fifteen times while I was there. I was there about five months; I should think it likely that I saw him as often as once or twice a week while I was there. I left there on the 19th September, 1864.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

This colored soldier who was whipped had refused to go to work; he was ordered to go to work by the man who had charge of the squad of colored men who worked on a cross-road from the depot to the bakery. I do not know the man's name who had charge of them; he was a short thick-set man. He was a confederate soldier. There were about twenty negroes in that squad. His refusal to go to work was the cause of his being whipped; I saw the whole of it. He received either fifty or seventy-five lashes.

SHOOTING OF PRISONERS BY THE GUARDS.

I never saw Captain Wirz shoot any one. I never saw him assault any one in the prison. I do not know that these instances were always a part of the police regulations there. I know that the sentries shot men who got within that dead-line. I do not know anything about the regulations more than I have been told by our own prisoners inside. I know that men were shot; I saw that. The man who was shot was inside the dead-line at the time I saw him, between that line and the stockade. The sentinel stood in the sentry-box, on the top of the stockade. I saw him when he fired; I saw the smoke of the gun, and I saw the sentry. I cannot tell whether Captain Wirz was by the side of the sentry or not, when he fired; he was soon after. I cannot say that I saw any one by the side of the sentry when he fired. If anybody had been by his side I believe I would have seen him. I think Captain Wirz was taller than the sentry. I think the sentry was a young man. If Captain Wirz had been there

I might have seen him. I do not know that I saw him at that time; I saw him immediately afterwards. He might have come up there by reason of that firing. I do not know that he said anything to the sentinel. I do not know that he reprimanded him. I do not know that he took the sentry down for firing. I did not notice whether the same sentry remained there. I do not know that that sentry disappeared very soon afterwards. I have spoken of two instances of shooting. In the second instance I did not see Captain Wirz at all, when the shot was fired. I did not see him immediately after. I did not know that he had anything to do with shooting that man. I did not see that he had anything to do with it. I have been in the service about three years. I have never seen any of our men prisoners, except a short time. I do not know that prisoners are shot for passing a forbidden line; possibly they may be; I do not know. I would not shoot a comrade if he attempted to pass me while I was on picket. It would not be my duty to do so, except that I had orders to do so. If a soldier should attempt to pass me while I am on picket duty, and I forbade him to do so, and he persisted to do so, I am required to shoot him. If a person should attempt to come through the jail gate where I was on duty as sentry, and I forbade him, and he should persist, I would shoot him.

I saw a person shot who had not committed, or was not committing, an offence against the police regulations, this man who rolled under the dead-line and was shot; I do not consider that he was disobeying any orders when he rolled under the dead-line. If he had been awake and had done that he would have been violating the rule, but being asleep he was, I think, excusable; if I were on guard in that case and saw that man roll under the dead-line, I should not shoot him; the sentry could not help to know that the man was asleep, and if I was in his place I should not have shot the man; and I do not think that that sentry would have shot him if he had not been watching for an opportunity. There was a class of men there on guard, boys from ten years old to fifteen, and old men from forty to seventy, who did nothing else when on duty but watch opportunities to shoot our men; these men were not always on guard; sometimes we had decent men on duty; good Union men too; when the fifty-fifth Georgia regiment were on guard the boys could smuggle in pretty much all they had a mind to; if evil-minded men shot one of our prisoners there, Captain Wirz would be blameable for it if he gave such orders; Captain Wirz gave special orders to shoot our men; I do not know that he gave any orders as to the man who rolled under the line.

By the COURT:

I do not know whether any sentinel who shot any of our men was rewarded for it, but I have heard men of the fifty-fifth Georgia say that these sentries received thirty days' furlough, for every prisoner they shot.

THE CHAIN-GANG AND STOCKS.

By COUNSEL:

I saw the men in the chain-gang; they were put into the chain-gang often for getting away; they were prisoners who had tunnelled out of the stockade; undertook to make their escape, were brought back, and ordered to be put in ball and chain by Captain Wirz; they had escaped, but were caught again; some of them were men who had been out on parole; I do not know what their parole was; I saw them outside and supposed they had a parole; I do not know that prisoners in the prison could get outside without giving a parole; I have seen men outside the stockade, prisoners, who had nothing but a camp pass, without a parole; I saw that often; I know that some of the men in the chain-gang had not been on parole; I have no reason to believe that any of these men in the chain-gang had broken their parole; I do not know whether they did or not. I know of some instances where some men had broken their parole; I do not know

about their being in the chain-gang; I did not testify that a little while ago; if I did I wish to correct it. They were put in the chain-gang because they undertook to get away and were caught; I think that all of these men got out of the stockade; I do not know of my own knowledge; I was out on parole; none of my comrades or acquaintances were put in that chain-gang; the 1st September there were three men who attempted to escape from the bake-room; they were taken back and put in irons, handcuffed. They were put into the stocks in the first place; kept in the stocks that day and shoved into another set of stocks; they were put into the chain-gang the second day after they were taken back; they were taken down to the blacksmith shop and had irons put around their ankles. These were men who had broken their parole; that was if they took such a parole as I did, a regular legal parole; I do not know that they did; there was no special parole that I know of; I have seen men who merely signed a paper.

By the COURT:

During the night the men in the chain-gang had to lie down all at one time; when one was sick and was obliged to lie down, the others were compelled to lie too; they were outside of the stockade, right up to the southwest corner of the stockade; they were posted about ten or fifteen rods outside of the stockade, near the stocks; they were not required to perform any duty during the time; they merely went down to the bake-house in the morning and washed themselves. Our boys there they would feed them with the best they had, and consequently they fared better in regard to rations than if they had been inside the stockade; but that was unknown to Captain Wirz; those men were kept there for two months, and I presume longer; I cannot testify how long, but it was all of two months.

THE RATIONS.

I was detailed to bake bread there; I am not a baker by trade, but it is not much of a job to learn to bake this corn-bread; I cannot tell where the meal came from; it was brought from the storehouse to the depot and from the depot to the bake-house; I do not know whether the corn-meal that we used there was kiln-dried or fresh ground; I should think it had been ground from old corn; I cannot tell how long meal would keep after being ground; there was not plenty of rations at the bake-house; at times they would fill the bake-house full and then they would leave it run out, and perhaps the men would have to go without rations at times; I know that at one time, on the 3d of July, by the order of Captain Wirz, some of our men had to go without rations; I have been in the storehouses at the depot; there were plenty of rations there. The storehouse was so filled there that one could scarcely get through it; it was a very large warehouse; I should think it must have been three or four hundred feet long and forty feet wide; I was there several times; it was generally full.

By COUNSEL:

I did know at one time how many loaves of bread went daily from our bake-house, but I cannot tell now. In baking and cooking together, there were 150 men detailed outside; they were all Union prisoners; I was at the depot several times in the months of June, July, August, and September. When I have been at the storehouse there was an abundance of supplies; I have been at the storehouse six or eight times; I should not think it was quite as large as an ordinary block in this city; I should think it might be half as large; I believe it was a story and a half high; to all appearances there used to be plenty of meal there. These five or six times that I was there, I should judge it was half full of different stores, meal, bacon, flour, and other stuff; I should think two-thirds of the supplies there was meal or flour; I would not testify to how much flour there was, but I should think that about two-thirds of the supply was corn-meal; at

one time when I was there I saw a large pile of flour at one end of the building; they said it was flour. I went up and felt it, and saw it was flour. In the months of July and August there were about 32,000 prisoners in the stockade; I should think there were from 1,500 to 2,000 soldiers guarding that post; there may have been 200 or more of our prisoners allowed on parole outside of the stockade, in the hospital, bake-house, &c.

SEPTEMBER 1, 1865.

NAZARETH ALLEN, for the prosecution:

I reside in Bibb county, Georgia, about ten miles from Macon; I have been a part of the last four years at Andersonville, in the confederate service; I was a private in the third Georgia reserves; I know the prisoner, Captain Wirz; he was commander of the prison.

THE STOCKS.

I have seen the stocks, and seen men in them; I have seen several put in the stocks, and some ten or twelve in the chain-gang; I know that one prisoner died in the chain-gang or stocks; I won't be certain which, but I think in the stocks; I think it was some time in August, 1864; I do not know what his sickness was; he appeared to be sick when I saw him; I saw him only once or twice, and afterwards I saw him dead; I don't recollect how long afterwards; I was passing there almost every day for several days; I cannot say how long he was confined in the stocks; there were several in the stocks; I do not know why this man was placed in the stocks; I think it was for trying to escape. The stocks were between Captain Wirz's headquarters and the stockade, on the road you would take in going to the stockade.

THREATS OF WIRZ.

Once I saw a prisoner step out from the ranks to speak to Captain Wirz for an exchange into a mess, when they were counting them out; he had made an agreement with one of his fellow prisoners to go into the other mess. He lacked one or two of getting to him, and he stepped out to speak to him. Captain Wirz ordered him back and threatened to shoot him. He did not shoot him; he threatened to shoot and he cursed him.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I know a great many prisoners died there. They had no shelters inside the stockade much more than they made for themselves out of their blankets and pine tops, &c. I was on duty at the stockade as a sentry. I had the means of observing the condition of the camp inside the stockade; I could see it from the stoop where I was. Some few had shelters made out of their blankets or such as they had built themselves with pine tops which they had carried in. There was no other shelter that I saw. Some had holes dug in the ground and sticks put up and pine tops hung around them. I observed this from some time about the middle of May to the middle of August. The prison was crowded. It was very much crowded. A portion of the stockade near the branch was a very miry, boggy, muddy place. The swamp was not cleanly; it was very uncleanly; a good deal of filth went through that stockade. The cook-house was above the stockade and a good deal of washing was done up the branch, consequently a great deal of filth went down. Some of the rebel camps were above; some of them washed into this stream. Some of the sinks were on that stream just above the stockade, on the side of the hill. When heavy rains came I should suppose some of it went through the stockade. Sometimes the prisoners in the stockade were compelled to use that water. I have seen them using it when it was in

that filthy condition. The water at that time was very thick and muddy—thick with the filth of the earth and the washing I have spoken of. There were very heavy rains during the summer of 1864. It rained about twenty-one days consecutively while I was there—in June I think—along about wheat-cutting time.

The stench arising from the camp was very bad. I have smelt it when I was at our picket camp. By the way we went round that camp was about a mile and a half away; I guess about a mile in a straight line. We soldiers preferred doing picket duty to sentry duty. The stench was so bad that it kept me sick pretty nearly all the time I was around the stockade. The prisoners were complaining all the while in consequence of their treatment; but I don't know to whom they made their complaints. I made complaints, as well as other soldiers of the rebel service. We complained merely to our own officers, but they could not help us any about that. I never complained to Captain Wirz. I observed the hospital a very little. I remember that one sick man one night made a great lamentation. He was on the ground. It was not muddy. I did not see him receive any attention. He was calling for his mother; he seemed to be out of his mind. He died. One of the prisoners offered me a gold watch for a piece of a tent. He wanted it for a shelter, I suppose—I think he said so. He belonged to the stockade and was inside of it. I did not give him what he wanted; I could not get any for him; it was against the orders to let him have any such thing. I knew that there were hounds there; I did not know of any bloodhounds. They were used for catching the prisoners when they tried to escape.

VEGETABLES, ETC., TAKEN FROM PRISONERS.

I have known prisoners to get onions and other vegetables or cakes, and have known them to be taken away from them at the gate as they went in. They would get them from some of the guards when they were out getting wood. The orders were, not to allow any such things as that to go in. I don't know from what source they emanated. Captain Wirz had control of the prison. I understood that all the orders came from him, but he never gave me any.

Cross-examined by COUNSEL:

I lived at my present home before I went into the service. I went into the service in April, 1864, under the conscription. Those of my age, between forty-five and fifty, were called on to report, and I reported and went into the service. After entering the service I first went to the camp at Macon. We formed our regiment there. We then went directly to Andersonville. The regiment numbered about 900, I reckon. I was not with it when it left Andersonville; I think it left in September. It went there in May. I left Andersonville the last of August; I went home sick. I got sick in the regiment; I was sick in camp. A good many of our regiment were sick there. I do not know what portion of the regiment left Andersonville, as a regiment; I was not there. I cannot tell how many of the regiment were sickened while I was there; there were a great many. I would not think two-thirds, nor one-half, nor one-third. There were a good many sick, but I cannot tell how many. Colonel Harris and Colonel Moore were the colonels of our regiment. We performed guard duty round the stockade. We did general duty around the post. There were other regiments there while we were there—the 1st, 2d, and the 4th. Part of those regiments were there when we went there. I don't know whether the 4th was there or not; the 2d was there. I don't know whether they were full regiments or depleted. I don't think there was any regiment there as large as ours. I don't know how many troops in all there were there at that time; I never took notice of that. Our regiment was not composed of unhealthy men. Some of all the regiments were sick there. I don't know how many were sick; I had no means of knowing; I didn't pay any attention to the hospital.

CONDITION OF THE WATER.

I do not know who gave the officers orders where to lay out our camp when we went there. We cleaned up the ground by order of our officers. Colonel Moore commanded us to do it. Captain Wirz had nothing to do with the locating of our camp that I know of. I don't know that he had anything to do with our men was hing or bathing in the water there. He was commander of the prison; he might have had a right to have forbidden it. I don't know whether he had the right to interfere with the command of our camp. He would always send an officer to our camp for what he wanted; I never knew him to be up there. I never knew of my own knowledge of an officer bringing an order up there from him. I never knew him of my own knowledge to interfere in any way whatever with the soldiers located on that stream. It was in June or July that there was so much rain. I know it rained 21 days, because I kept an account. The rain did not make our camping grounds very muddy; it was principally sandy ground where our camp was. The ground was wet, of course, but the water ran off. It kept the tents wet pretty well all the time. We had scarcely any comfort or convenience during all that time.

THE ORDERS TO THE SENTINELS.

I was on guard or picket duty every other day. I never shot any one; I never saw any one shot while I was on duty. I got orders when I was on the stoop to shoot the prisoners if they crossed the dead-line. I had no orders to shoot anybody if he did not violate some police regulation. The shooting of any one crossing the dead-line was part of the police regulation of the prison. I would not have shot any one if he did not violate that regulation. I do not know of anybody else who would. I have been in large crowds on public occasions. I have seen policemen or soldiers attempt to keep crowds back. I never heard them use any particular threats, only they made them stand back out of the way. I have seen policemen or constables ride on their horses in large crowds. They would of course ride up to the people and threaten them if they did not keep back. I should not suppose it was any more for threats to be made at Andersonville, if prisoners did not keep back, than it was in other crowds. If I was guarding a body of prisoners anywhere, small or large, and they did not obey me, I would threaten them. I would threaten to bayonet them or shoot them. When Captain Wirz threatened these men, I suppose it was not more than I or any one else would do, if they did not obey me.

By the COURT:

There was no reward or promise of reward to any guard who shot men crossing the dead-line, to my knowledge. I do not know of any furloughs being given for that. I do not remember that I ever received any direct orders from Captain Wirz while I was on duty.

THE CHAIN-GANG.

By COUNSEL:

I think I have seen twelve men in the chain-gang, in the month of August; they were on the ground close to Captain Wirz's headquarters; I have seen them passing. I think that is the place where the chain-gang generally was, (witness here pointed out the location of Captain Wirz's headquarters on the diagram;) Captain Wirz's headquarters were right on the hill above the stockade, not far off. I was on duty on the reserves picket when I saw the chain-gang; I saw it when I would be passing to my camp back and forth. All I saw was just in passing. This was about the middle of August or the 1st, some time in in August; I saw them there several times; I don't know if they were always

the same men; I did not see them put there; I did not see them taken out. I don't know how they came to be in there, nor for what fault or disobedience they were put in there, except what I heard.

THE STOCKS.

The stocks were located down near the corner of the stockade, between Captain Wirz's headquarters and the stockade. I did not see them there when I first went there with the regiment. I don't recollect when they were erected; they were there when I left. I never counted the men I saw in the stocks; they had some six or eight, I think—it may be more, at one time. I never counted the number those stocks were calculated to hold. They were made of long timbers, twenty feet long, I guess. I only know from what I heard, why those men were put in the stocks. I don't know how long they were kept there, nor when they were taken out. I did not see any change in the persons I saw there, if there was any, it was made when I was absent.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I spoke of a sick man lying on the ground one night; it was the latter part of the night; I was sentinel there, round the hospital. This man was lying outside the tent, outside the fence; I don't know whether they had tents inside the hospital lot; it was in warm weather. I don't know how he came there; he was wallowing about as if he was crazy. Captain Wirz was not there; I think that tent or hospital ground was under the charge of the surgeon. I don't suppose that Captain Wirz had anything to do with that affair at all; I never was there but one time on that post.

Q. Don't you suppose that the man's being out there was a mere matter of humanity to him, to give him more air and comfort?

The JUDGE ADVOCATE objected to the question, on the ground that the suppositions of the witness were not evidence.

The COURT, after deliberation, sustained the objection.

I did not apply for any tent material; I said that I could not get any; I had no one to apply to; there was none to get. I think Captain Wirz was in command there all the time I was there; I never missed him from there while I staid there.

THE DOGS.

I don't know how many hounds were there; I have seen about eight at a time. They were common plantation hounds; they are hounds trained to run people; I guess these dogs were trained to run people; they ran them. I did not see them trained; they were common-sized dogs, about half as high as this railing (about four feet high.) They were common hounds, such as you find on all the plantations of the south; I think they were nothing more or less. They did not appear to be particularly ugly or savage, more than a common hound, so far as I saw. I never saw them pursuing any one; I have heard them at it; heard them crying in the woods. They made a noise like a hound; I cannot exactly imitate it. I have seen a hound pursue game. I have never heard them cry in the same way when they were not pursuing game as they do while pursuing it. There is a particular sound when they are pursuing; I cannot describe that particular sound; it is a more ferocious sound than when they are pursuing in sport. I never saw a man bitten by those dogs.

THREATS OF WIRZ.

When Captain Wirz was messing or counting the men, he could have transferred the one of whom I spoke if he had chosen to do so. The man was asking to go into that mess. The prisoners had just come on from Danville and had not gone into the stockade.

THE CHAIN-GANG.

SEPTEMBER 1, 1865.

JOHN F. HEATH, for the prosecution :

I reside in Macon, Georgia. I have been in the confederate service. In 1861 I was in the 20th regiment Georgia volunteers. I was commissary, with the rank of captain. In April, 1864, I was in the Georgia reserve corps. I was on duty at Andersonville from May till October, 1864. I know the prisoner; I have seen him at Andersonville. I understood that he commanded the prison at Andersonville. I never received any orders from him directly. I was never on duty at the prison but one day. There were thirteen prisoners sent over from headquarters to be ironed. I think it was in August; I was officer of the day. They were sent over to me from the provost marshal's office, to have them ironed; they were not ironed on that day; I think on the second or third day afterwards twelve of them were ironed. The men were sent over under guard, with an order from Captain Wirz. I did not read the order. I was ordered by a man named Reeves who pretended to be a provost marshal at Andersonville. The men came from Brigadier General John H. Winder's headquarters; that is the occasion I have referred to. There was one man chained in the gang of twelve, who was sick at the time he was chained. I could not say to my certain knowledge what became of him. I know that I saw him several days afterwards very sick; every man who was chained with him objected to it. The man had the diarrhœa; I should judge so from the looks of his clothes, and he was very lousy; I could see from a distance the lice crawling over him. His comrades objected to being chained with him, because of his condition. Their objections were not heeded; he was chained with them. I do not know that their complaint ever went to Captain Wirz; they objected to being chained by the side of such a man. He was the last of them I think that was chained. They had to all travel at the same time and for all purposes. I cannot say to my certain knowledge what became of the sick man. I think this took place in the month of August, 1864.

MEN BITTEN BY THE DOGS.

At the time that these thirteen men were to be ironed, one of them got away; we called him "Little Frenchy;" a hound was put upon his track. I ran down to the little swamp, between a quarter and a half mile off. Just as I got to the swamp I heard a shot from a pistol, and I saw the man in a tree. Captain Wirz came up and ordered the man to come down. The man begged the dogs should not be let hurt him. He made the man come down, and with that the dogs rushed at him. I could see the dogs run up and grab him by the legs. Captain Wirz did not try to keep the dogs off from the man; he could have done so. I do not know who fired the pistol; I only heard the report. The prisoner was sent with a gang two days before to be chained. He was not chained afterwards. I saw him two or three days afterwards in the guard quarters, without the chains upon him; I saw him sitting and walking about in there, as I passed. I did not notice his wounds; I was not near enough to nim to see whether he had wounds or not.

ACTS OF CRUELTY BY WIRZ.

I have seen Captain Wirz kick two or three prisoners. I cannot tell for what reason, except that he got a little excited. At one time, I think it was when they were moving from Andersonville, I saw him kick a prisoner. To the best of my recollection it was the case of a man who was trying to get out of a squad to which he did not belong. I think it was in September, 1864.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was on duty in the stockade only once. I think it was in June, 1864. It was in a very bad condition. It was in June, I think, during the rainy season. I was officer of the guard. The stockade was very muddy and filthy, and the stench very bad. The prisoners had no shelter. All the shelter they had was what they could carry in their blankets and such things as they were allowed to carry in when they went there. Some few had dug holes in the ground and had covered them with pine tops. I do not know that the digging of holes diminished the space that the men had to stand upon. I never saw a man improve much under the treatment there. I have heard Captain Wirz remark that if there were any more prisoners brought there, he did not know where to put them; that there wasn't room enough then in the stockade for the men to lie down. I cannot say when that was; it was before the stockade was extended. I never heard him make any other remark with reference to the prisoners that I recollect.

CONDITION OF THE WATER.

The bake-house was upon the stream that passed through the stockade. It was very filthy and all the stuff from it was thrown out into the stream which passed through the stockade. There were two regiments encamped right upon the stream, one upon one side and one upon the other, just above where it entered the stockade. The drainage from these encampments passed into the stream.

Cross-examined by COUNSEL:

My regiment went from Macon to Andersonville. I think we went from Macon in May. I think it was formed between the 16th of April and the time we left Macon. It numbered some six or eight hundred. I think we left Andersonville between the 1st and 15th of October, 1864. I should not judge that all who went there with the regiment went away with it. A good many deserted and a good many were sick. I could not tell you the proportion. A good many died. I was not sick a minute myself while I was there. It was unhealthy for the soldiers.

MEN BITTEN BY THE DOGS.

I think it was in June when I saw those hounds at the tree. I cannot tell whether it was the same circumstance described by a witness yesterday. That was the only circumstance of the kind that I ever saw or that ever came to my knowledge. I said I heard a pistol fired. I presume it was a pistol, some kind of a gun, and directly after I saw the man in the tree, and Captain Wirz came up and ordered him down. That is what I said. I do not presume it was more than half a minute after I caught sight of the man in the tree when I saw Captain Wirz; it was almost at the same time. Captain Wirz was some ten or fifteen, perhaps twenty, feet from the tree when I first caught sight of him. I did not see any pistol in the man's hand when he came down from the tree. I did not see any pistol drop from the tree. I do not know whether the man fired at Captain Wirz or the dogs. I saw the dogs run up to the man and snap at him and jump back, but whether they tore him or not I cannot say. He walked off, not exactly in the same condition, as I and Captain Wirz did, because Captain Wirz and he were very muddy and I was not. Captain Wirz and he were both a little muddy. Captain Wirz was in the mud when I saw him first. That is the way I know it. I did not see him take hold of the dogs. I saw him and the dogs as close to the man as I am to you now. I could not say that Captain Wirz was right up to him. The dogs were. I did not see Captain

Wirz take hold of him. I do not say he did not touch him. I did not see him take hold of him. I saw the man afterwards in the guard-house, not in the stockade. It was a day or two after, perhaps the next day. He was not in the chain-gang, nor in the stocks. He was kept under guard, that was all. That was all the punishment I saw him receive for attempting to escape, and all that I knew of. If you ask my opinion I should say it was a very severe punishment for a man attempting to run the guard to have a parcel of dogs around him. My opinion is, that any man who is a prisoner has a right to get away if he can. That would be my doctrine if I were taken prisoner. But as to the punishment, my opinion about it would have been to put him back in the stockade Of course it would be a severe punisment; if you want my opinion, I would rather have been shot than put in there.

By the COURT:

I do not know what the reason was that this man was let out under guard, instead of being put in the chain-gang or the stockade; I have my opinion about that. I saw him in a day or two in the yard walking about. I do not know why he was put in the chain-gang, except it was, perhaps, that the dogs had bitten him. I cannot say that that was the cause of it.

THE CHAIN-GANG.

I have seen men in the chain-gang. I know they were in the chain-gang, but as to the length of time I don't know.

THE RAINY SEASON IN GEORGIA.

I am a native of Georgia. We have rainy seasons there. In June, 1864, we had what we might term a rainy season. I supposed it rained twenty or thirty days. I cannot say it was all in the month of June, but it was in June or July. I cannot say that we have seasons known as the rainy season, although I am a native-born Georgian.

By COUNSEL:

I should think twenty or thirty days' rain in any country would be unhealthy.

Q. Would it not be very unhealthy indeed?
A. I am no doctor, sir.
Q. I ask you as a matter of fact?
A. Well, I was not sick there.
Q. You are not prepared to give an opinion on that point?
A. No, sir; I am no physician.

RECORDS MISSING.

General THOMAS called the attention of the court to the following newspaper paragraph, and asked the judge advocate whether he knew anything of the records therein referred to, and whether they were lost:

"RECORDS MISSING.

"The records of the Andersonville prison, captured by General Wilson, and furnished by the War Department to the expedition sent to Andersonville by order of Secretary Stanton to lay out a cemetery and mark the graves of our soldiers who died in the prison at that place, have 'turned up missing' since the return of the party. One of the clerks of the quartermasters' department who accompanied the expedition, and in whose hands the records were last seen, has

been placed under arrest by the military authorities until he can give a satisfactory account of the disposition he made of them. It is thought by some that if the records were stolen instead of lost, it was for the purpose of preventing them being used as evidence against Wirz, the keeper of the Andersonville prison, now being tried by court-martial here."

The JUDGE ADVOCATE stated that he did not know what authority there was for that statement.

General THOMAS. It does the prisoner great injustice.

The JUDGE ADVOCATE. The official hospital records and the records of deaths are here, except one volume, the loss of which, I understand, Captain Moore charges upon the clerk. Captain Moore sent up the other day for them, and I gave him the rest of them.

General THOMAS. Of course, the best evidence is the record, and I hope all the records will be produced.

The JUDGE ADVOCATE. Yes, sir; I do not know what that article is based upon.

General THOMAS. I only mentioned this to show that we want to do the prisoner justice.

The JUDGE ADVOCATE. I think the records will be brought to light. The hospital register and the death register will be introduced at the proper time.

Mr. BAKER. I ask the judge advocate whether it will be consistent with his duty to have such records placed where we can have access to them.

The JUDGE ADVOCATE. No, sir; not till after they are introduced.

SEPTEMBER 1, 1865.

WILLIAM DILLARD, for the prosecution:

I reside in Macon, Georgia. I entered the confederate service on the 20th of May and stayed till the last day of September. I was at Andersonville four months and ten days—from the 20th May till the last of September. I know the prisoner.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was on duty at the stockade as a guard. I was stationed on the parapet of the stockade and on picket. I had an opportunity of observing the condition of the stockade and the men in it. It was very bad; it was as nasty as a place could be; on one occasion I saw one man lying there; he had not clothes enough on him to hide his nakedness; his hip bones were worn away; he had put up two sticks and fastened his coat over them to keep the sun off his face. There were a good many lying down sick, and others waiting on them. There was a very bad smell, and I suppose it was caused by the crowded state of the men, and the filthiness of the place. I have smelt it at the depot in Andersonville, about a mile from the stockade.

THE CHAIN-GANG.

I guarded twelve prisoners in the chain-gang one day and night. One of them was sick and very low, and had to run out every five or ten minutes, and the others were wanting him turned out of the gang because he wanted to run out so much. I think he was taken out about dark. I cannot say how long he had been in the chain-gang. I know he was in from the morning when I went on guard. He was in a sick condition all that day. I cannot say what sort of a day it was. It was in August. I cannot say what became of the prisoner, except from hearsay. I do not know where he was taken after he was released from the chain-gang. It was all the man could do to stand alone when he was taken away from there. I never saw him after that. I heard what became of him from some of the boys next day.

MEN BITTEN BY THE DOGS.

Hounds were kept there to catch prisoners trying to make their escape and our own men also. I saw them catch a man called "Frenchy." I was walking my post and I suppose some 300 yards off. I saw Captain Wirz and Reid, the provost marshal, and the man with the dogs, hunting up and down before they started on the man's track. After a time the dogs got on the trail and treed the man, and after that I saw Captain Wirz come down and heard a pistol or gun fired and saw the smoke rise. I was more than 300 yards from where they were with the dogs. I heard the men halloo and the dogs making a fuss. I saw the smoke rise from the gun. I could not tell from what person the smoke seemed to rise. It was in the bushes and I could not see. I could not say whether the man was hurt by the dogs only from hearsay. I saw the dogs running down the branch before they treed him. I did not see them when they were at him at all.

THE RATIONS.

The food furnished the prisoners was very rough. I recollect one evening, when we were going on guard, on picket, we were all stopped in front of the north gate of the stockade to divide the men off into separate reliefs; a wagon load of peas or beans, as they call them, was going in and had stopped near us, and they smelt so bad that the boys told the driver to move on. One of the guard asked the black driver, "Uncle, what are you going to do with those peas?" "I am going to take them inside," said the man. "Hell," said the guard, "no man can eat them; they stink too bad." The wagon drove off into the prison; the driver said, "perishing men will eat anything."

CONDITION OF THE WATER.

The stream that passed through the stockade was a stream that ran down between the first and second Georgia regiments and Furloir's battalion. I know where the bake-house was situated; all the washings from it went right through the stockade; also the washings from the camps. The "pits" used by the men were not five steps from the stream. I have passed them many times. I had means of observing from my sentry post the condition of the stream inside the stockade. It was very muddy for a length of time, but it became more sandy after a while; sometimes when it was rainy it was thick with mud and filth from the drainings of the camps.

THE ORDERS TO THE SENTRIES.

Q. Have you heard the prisoners in the charge of Captain Wirz make statements to him or heard his replies at any time while you were on duty there?

Objected to by counsel for the accused on the ground that the question was not confined to any particular matter alleged against the prisoner.

The JUDGE ADVOCATE reminded the court that the allegation was continuous from a certain date to a certain date.

After deliberation, the objection was overruled.

A. I do not remember to have heard him say anything. I never received any orders from the prisoner. I never heard him give any orders with regard to the duties of the sentries. We received our orders from the sergeant down at the stockade; this was after we had been turned over for duty at the prison. I did not receive my orders from the officers commanding our regiment.

THE STOCKS.

I have seen several men in the stocks. I have seen some fastened by their feet and lying exposed to the heat of the sun and to the rain. I saw one man

fastened by the neck and with his arms extended, who had no hat on; I do not know how long he was in there. I never saw any one in the stocks when they were sick, that I know of.

Cross-examined by COUNSEL:

I saw men in the stocks some time in August; I saw them there a good many times in passing, on a number of days; I do not know whether it was the same persons that I saw there at all the times; there were some that appeared to be the same; the prisoners were not generally supplied with hats; a great many of them never had hats on at all; at that time it was not more unusual to see men in the stocks without a hat on than one out of the stocks without a hat.

MEN BITTEN BY THE DOGS.

It was some time in August that I saw the hounds; it was the same occasion referred to by the last witness; I never saw another occasion but that; our own men talked about it considerably; it was pretty generally talked of; I did not see the dogs bite the man; I was not within 300 yards of him; he was a small Frenchman; I have no means of knowing whether he was ever touched by the dogs, nor by whom the shot was fired; I cannot tell whether the shot came from the tree or the ground; I heard the dogs making a noise; I did not see the man afterwards that I know of; all I know of it is simply a casual observation made at the time; I said the dogs were there to catch our own men as well as prisoners; I mean by our own men, our soldiers. They could be used indiscriminately to catch either the one or the other—confederates or Union; I do not know how many dogs were there; I counted seven one day, when I saw them near the depot; I never saw but that one patch; they were our common fox-hounds; they were not at all ferocious; they were common plantation dogs, such as are round the houses, and that the children play with; they were not different in any respect from our house-dogs; they were just small dogs.

By the COURT:

I know the dogs were started in pursuit of thirteen men of the 2d Georgia regiment; the dogs were carried off; I do not know whether they ever struck the trail or not; they told me they were put on the trail; I did not see them start.

By the JUDGE ADVOCATE:

I did not see them start off; I did not hear them at any time.

THE CHAIN-GANG.

By COUNSEL:

I think it was the last of July or the first of August when I saw those men in the chain-gang, about the same time that I saw the others in the stocks; I think there were ten in the chain-gang the day I guarded them; I never saw thirteen in that lot; it may have been the lot of thirteen I have heard spoken of, for all I know; I have seen several lots, but twelve was the most I ever saw in a gang; I do not know for what they were put in the chain-gang; I never heard.

HEALTH OF THE GARRISON.

It was not healthy in our regiment while we were at Andersonville; a great many were sick—several died; it was what I call very unhealthy.

CONDITION OF THE WATER.

I do not know who located the sinks on the banks of the creek; I do not know that Captain Wirz had anything to do with it; I have no reason to suppose he did.

THE ORDERS TO THE SENTRIES.

By the COURT:

There was a sergeant in charge of the guard down at the stockade; I do not know to whom he reported; we had an officer of the day every day; I do not know his rank; I never paid any attention to him; it was sometimes one captain and sometimes another.

SEPTEMBER 1, 1865.

CALVIN HUNEYCUTT, for the prosecution:

I reside in Bibb county, Georgia; I was in the confederate service from April, 1864, till April, 1865; I was on duty at Andersonville about five months, I reckon; I went there in May, 1864, and stayed until September or October, I believe.

CRUELTIES COMMITTED BY WIRZ.

I know Captain Wirz; I have heard him abuse the prisoners and draw his pistol to shoot them; but I never saw him shoot any one. I have seen him kick them, in July, I believe, for not standing up in ranks, when Captain Wirz was counting them off; the man was sick; he looked like it; I do not know what was the reason he did not stand up only that; he was not trying to escape. I have heard Captain Wirz threaten to shoot prisoners at the time he drew his pistol; it was when they were brought there to be put into the stockade; he was counting them off. There was one who did not stand up in the ranks, and the Captain drew his pistol and said he would shoot him if he did not stand upright; he kicked him a little, not much; the soldier looked sick; I do not know what was the matter with him.

MEN BITTEN BY THE DOGS.

I recollect the man they called "Frenchy" trying to escape; he was caught by the hounds; I saw him after he was caught; he was torn by the hounds pretty badly, in the leg; I think it occurred in August; I do not know whether he was put in irons; I saw him when he was brought up to Captain Wirz's headquarters. Captain Wirz was with him, as well as I can recollect, and the man who kept the hounds; I saw where the hounds tore the man; it had the appearance of a dog-bite.

THE CHAIN-GANG.

I guarded the prisoners in the chain-gang for one or two days and nights; I do not know how long the men were kept in the chain-gang without being relieved; they were in there every time I saw them; I do not know that they were exactly the same men; I do not know how long any one man was kept in the chain-gang; I have no idea; they were kept there while I was on guard; I was on guard twice a day and a night at a time; they were in there during that time; they were not changed during the time; I know of an instance where one of them became very sick in the chain-gang; I know that the rest of the men who were chained to him complained of his being sick and wanted him loosed, he bothered them so much in going out; I do not know how long he was kept in the chain-gang, nor what became of him. I did not see the chains taken off; I do not recollect any others confined in the stocks or chain-gang who were sickly; I think that one of them had six men in it and the other had twelve in it; I recollect that they cut the chains off one prisoner and he got away one night and he escaped, but they caught him and brought him back; I mean the man himself cut off the chains; I do not know of any instance when the rebel authorities had to cut off the chains by reason of their affecting the prisoner.

A PRISONER WHIPPED.

I saw one of the prisoners whipped; I did not count the strokes, but to the best of my knowledge it was about twenty-five or thirty I do not know who it was that was whipped; he was a white man, a prisoner of war; I saw a man come from Captain Wirz's headquarters, who took him out and whipped him; I do not know his name; he was an officer; the whipping commenced right straight away after he came out; the officer walked down and carried the man off with a couple of guards; I did not hear the officer say anything at the time. He did not say by whose order the man was to be whipped; I was not close to him; I was about thirty yards away; the man was stripped and whipped on the bare skin, right upon his back; he was not tied up; he was whipped with a common size hickory, about four feet long; I do not know whether it was green or seasoned; they afterwards carried the man back and put him in the stocks; I never knew what they did with him after that; the man had blackened himself and tried to escape with the darkies when they went in carrying rations; I do not know of anything that was said at that time.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The stockade was very much crowded; the tents they had to stay in were made pretty much out of blankets and pine tops; it smelled very badly; I was occasionally on picket; I was on picket on the outside of the stockade; I preferred picket duty; it was the best on account of not having to stand so long; I never noticed particularly how far the offensive smell from the stockade reached.

TREATMENT OF THE DEAD.

The prisoners who died were buried in a trench, side by side, with the dirt thrown over them, with no covering, without any box; I should judge the trench was about two or three feet deep; I was standing on post one day when they were taking bodies out; they had been there so long that when they were brought out and put in the wagon they burst, something broke inside, and ran out of their mouths and noses and smelled very badly.

CRUELTIES COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

I think it was in July or August that the prisoners of whom I spoke as being counted off by Wirz came there; I cannot tell exactly which; to the best of my knowledge it was in the latter part of July; I do not know where they came from; I do not know how many came at that time; there was a right smart lot of them; there were a few hundred; I do not know how many; I cannot give any idea; I never saw Captain Wirz kick a prisoner but that one time; he kicked him very little then; I do not know whether it would have hurt me to have been kicked that way—it might; I should not like to have taken it; it was a shake to make the man stand up and behave himself; he jerked him and kicked him; I walked right off; that was all I saw.

I was in the 3d Georgia reserves; I was on duty there somewhere about five months; I never saw any other act of cruelty than what I have mentioned.

MEN BITTEN BY THE DOGS.

I spoke of a man being torn by the dogs; he was torn in the legs; I saw his pants torn and the flesh on the legs too; it was torn right smart; more than it might have been by the briars; I never saw a man's leg torn so much by briars; it was not the same kind of a tear; it looked as though it was torn by dogs; I did not see the dogs tear him; I do not know whether the man was locked up

any more; I did not see him any more; I did not see the dogs pursuing him; when I first saw the man after he came back he was between where he was caught and Captain Wirz's quarters; I don't think they kept the dogs to run after our soldiers as well as the prisoners; it was merely for the prisoners; I do not know about that.

A PRISONER WHIPPED.

The man who disguised himself as a negro escaped from the stockade; he ran the guard; he was detected at some distance and brought back; as well as I can recollect it was in July when I saw that whipping, about the same time as the other incident I spoke of; not much difference; I never saw any other act of the kind during my five months there. The man who was whipped had tried to make his escape by blackening himself; I saw the man who gave the whipping; it was the man who came from Captain Wirz's headquarters; I think he was an officer; I do not know his rank; I think he received about twenty-five or thirty blows with a hickory a little larger than those used for whipping boys at school—about three or four feet long; the man did not hollo much; he looked savage; the whipping did not start the blood; it seemed to hurt him a great deal; after he was whipped they brought him back and put him in the stocks; I never saw him afterwards; I never saw anything of Captain Wirz about that time; I do not know where he was; I think this was about the last of July; I do not know when Lieutenant Davis was on duty there; I did not know him.

By the JUDGE ADVOCATE:

I think it was in the latter part of August that the prisoner was whipped.

THE CHAIN-GANG.

By COUNSEL:

They had a chain-gang tent; the chain-gang was generally in a tent; they had a fly-tent; I do not know that they were protected from the weather as well as they could be, but I reckon that it was such as they had; it was not as good as our covering; their tenting was pine boughs and blankets; they had some few tents in the stockade; if they had not been in the chain-gang they would have been very comfortable there—better than in the stockade, I suppose, much better; the only hardship about it was their being in chains; I do not know that it was better for them having a tent in the chain-gang than being in the stockade under a blazing sun; I think I should rather not have a chain on. There was some difference between being in the stockade under the run and being in the chain-gang under a tent.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The filth that was inside and outside made the condition of the stockade so bad; I do not know whether it could or not be otherwise with such a crowd of prisoners there. It would have been better, of course, if there had been only a few there; I suppose if it had not been overstocked there would have been room enough.

TREATMENT OF THE DEAD.

I spoke of some men having been buried there; it was in August, I think. When I went over they were burying them, and I never went to the grave-yard after that. I do not know how many were buried there at that time; there were some eight or ten thousand, I think. The grave-yard was about three-fourths of a mile from the stockade. It was in a sort of northerly direction. I do not know whether they could get wagons to carry the dead when they wanted them or

not. They carried them out in wagons. They had to carry a number at a time. They carried as many as could lie in a wagon. They could not carry all at once. I do not know whether they had transportation enough to convey them. The bodies that I saw carried away came from the hospital. I did not see them taken from inside the stockade. I do not know whether it was the duty of the surgeons or Captain Wirz to look after those in the hospital. I never saw Captain Wirz meddling with those outside—never in my life. I never saw him commit any other act of violence than those I have referred to. He never hurt nor offended me in any way. I did not see the chain-gang at the time I saw Captain Wirz draw the pistol; that was another day.

THE CHAIN-GANG.

SEPTEMBER 1, 1865.

JAMES MOHAN, for the prosecution:

I have been in the confederate service only as a private. I was afterwards elected a second lieutenant in the third Georgia reserves. I was on duty at Andersonville for about five months—May, June, July, August, September, and up to, I believe, the 13th of October, 1864. I was not much around the stockade. I was appointed assistant provost marshal for a time, and my business was with my own men, running up and down the trains, examining passports, &c. I had nothing to do with the prison except sending over prisoners that arrived there, and prisoners that had escaped and were caught and brought to the provost marshal's office. I would send my guard over to Captain Wirz's headquarters with the prisoners by order from the provost marshal. I did not receive any orders at all in regard to the treatment of prisoners. The disposition of them was to turn them over to Captain Wirz; that he had sole charge of them. I received orders on that subject from the provost marshal. He was under General Winder. Captain Wirz was then commander of the inner prison; he had charge of all the prisoners that came down there. I had something to do with putting chains on prisoners. The prisoners were brought from Captain Wirz's headquarters to the provost marshal's office by a guard. The provost marshal ordered me to take charge of the guard up to the blacksmith's shop. I went up there with the prisoners to take charge of the guard, and to see also that the prisoners got their irons on. There was a verbal order on that subject. A sergeant of Captain Wirz came over with the prisoners from his office. It was to see that these men had balls and chains put on them and linked together with a sort of a collar around their neck and a chain attached to it. I took over thirteen men. The collars were not ready that day and I sent the men over again to Captain Wirz's quarters. I told a lieutenant under me to take them over and to state to Captain Wirz that the irons were not ready. Those were the orders I received from the foreman of the shop—to tell Captain Wirz that the irons were not ready. The next day the men were sent over there, but I did not take them. I saw them coming down the hill with balls and chains on them, linked together.

MEN BITTEN BY THE DOGS.

When I was sending the prisoners over to Captain Wirz's headquarters a young man whom they called "Frenchy" escaped. He was not put in the gang afterwards. The gang consisted of twelve men. In the evening "Frenchy" was recaptured. When this lieutenant who was under me carried the men over it was found that there were only twelve men. Wirz got on his horse and rode over. He said: "that damned Frenchy has escaped again; send for the dogs." The dogs came and got on the trail of him and recaptured him in the woods, or rather by the stream that ran by the stockade. Captain Wirz did not ride off

with the dogs; he got off his horse and walked. He went alongside the dogs; that is, when the dogs got down across the stream, the dogs went one way and he went another, along with Captain Reed, the provost marshal, searching for this man. I was standing on a platform at the depot and I saw where he stood, and heard the howling of these dogs around the tree. It seemed as if the prisoner was up there. I did not see him. I looked around again to see where Captain Wirz was and I heard the report of a pistol and saw the flash. I should judge the flash came from Captain Wirz. After firing, they captured the prisoner and took him to the guard tent. I know that he was injured. I saw him a day or two afterwards. His pantaloons were torn on the leg and he looked sickly. I don't know whether his flesh was torn; I did not see. I cannot tell why he was not put in the chain-gang. I heard he was badly bitten from some of my brother officers there, after the affair happened, when we were talking about it. The dogs were common hounds. I believe there were a couple of them called catch-dogs; the others were hounds. The technical name is fox-hound. They call some of them track-hounds there. I believe there are track-hounds and catch-dogs; I am not much acquainted in the dog line. One is very vicious by nature. I don't think the other is very dangerous. The catch-dog is vicious.

THREATS OF WIRZ.

I very frequently heard Captain Wirz remark that he wished the prisoners were all in hell and he with them. Sometimes they would offend him or something like that in his office—he would say it if any prisoners would make him angry around his quarters or around the stockade, or anywhere else where he was. There were a large lot of paroled prisoners outside—four or five hundred, I presume. I did not hear him make use of any other remark.

THE ORDERS TO THE SENTRIES.

I was officer of the guard when I first went down there. That was before my assignment as assistant provost marshal. I received instructions from Captain Wirz's adjutant at the stockade. He read the instructions to the guard and turned the papers over to me, or when I was relieved the next morning, to the officer who relieved me. The instructions in regard to the dead-line were that we were not to allow any of the prisoners to cross it; that if they crossed it they were to be fired on by the sentinels. That was the substance of the instructions. I did not have occasion to observe the condition of the prison very well while I was on duty there; it was a place I never liked to go into.

MEN BITTEN BY THE DOGS.

Cross-examined by COUNSEL:

Captain Wirz had charge of the prisoners. I should judge he was responsible for their safe-keeping. I do not know what would be done with him according to the rules of war if he allowed them to escape. There were sixty or seventy who escaped, and from what I learned there was nothing done with him. I do not know whether he was obliged by his orders and his position to secure every prisoner who attempted to escape. I never saw his orders. He was commander of the prison, and I suppose that was his duty. I never saw him commit any personal acts of violence except in the discharge of his duty of guarding and punishing the prisoners. I do not know what become of "Frenchy." I do not know whether he was one of those desperadoes who have been spoken of as being inside the stockade. I know nothing at all about his character. I never heard anything in regard to it only that he tried to make his escape six or seven times. When he made his last escape he was tracked by the dogs. I never knew of

Captain Wirz punishing him before. I do not know that I would have been obliged to use the dogs as he did if I was in Captain Wirz's place. I don't know what the orders were. I do not know that the dogs were kept there to track prisoners. I never knew of any other persons bringing in prisoners with dogs. I have seen persons bring them in in buggies. I don't know whether they caught them with dogs. I don't know that it is customary in the south for dogs to track people running away; I hear it is so in plantations. I have spoken of "catch dogs." I don't know why they are called so. They are about the same size as the others. They look as if they were stronger. I did not see any other dogs but this pack. Turner had the dogs. He was a detailed soldier in the confederate service. The dogs were kept there for prison purposes I didn't see them when I first went there; they might have been there. I saw Captain Wirz after "Frenchy" was caught going up the hill. I did not see him near him when he was caught. I attended to the provost marshal's duty there. If a man ran away, or attempted to run away, it was my duty to pursue him. If he turned upon me to try to overpower me it was my duty to try to get the best of him. I would shoot him if it was necessary. If he would not stop when commanded, my duty as a soldier would be to fire on him. I don't know if it would be Captain Wirz's duty to fire on him or order him to be fired on, if he was running away from him; I cannot answer that question. In pursuing the man, it would certainly have been my duty to fire on him if he did not stop; the dogs had this man at bay. It was more gentle to bring him at bay with the dogs than to fire at him and kill him.

THREATS OF WIRZ.

I cannot say how Captain Wirz came to make such an expression as I have quoted. He appeared angry. It was a laborious task to take care of those prisoners. I cannot tell whether it was a very laborious task; from the appearance I should suppose it was. It was a very vexatious task. I would not have liked to have it. I don't think anybody was ambitious of having the situation.

Q. Did not all these means you have mentioned have to be resorted to to keep these prisoners there?

The JUDGE ADVOCATE objected to the question, on the ground that it could only elicit the witness's opinion.

The COURT, after deliberation, sustained the objection.

CONDITION OF THE PRISONERS IN THE STOCKADE.

SEPTEMBER 1, 1865.

SAMUEL HALL, for prosecution:

I reside in Macon county, Georgia. I have lived there during the rebellion, ten miles from Andersonville. I visited the prison at Andersonville frequently, from August, 1864, till April, 1865. I observed the condition of the prison at a distance, near enough to give an opinion with regard to the condition of the prison. When I first saw it in the month of August it was literally crammed and packed; there was scarcely room for locomotion. It was destitute of shelter, as well as I could judge, and at that time there was a great mortality among the prisoners. I met Captain Wirz while I was there. I infer that he was in command of the prison from circumstances which I can state to the court. When I saw him he was writing in an office that had a sign above the door of it "Commandant of the Interior Prison." I visited the prison in December, 1864, and obtained from him an order to do so, in the same office where I saw him before. I don't know that I saw him do anything during the mouth of August. Subsequently to that I saw him drawing requisitions for rations, and at a subsequent date I

heard a surgeon complain to him that the guard at the prison would not admit him without Captain Wirz's pass. Captain Wirz replied that the guard did right, that he had no business in there without his pass. I don't recollect that the placard which I saw with the words "Commandant of the Interior Prison" stated who was the commandant. I cannot fix the date in August when this occurred.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863 AND 1864.

I know of a rule in the southern confederacy during the rebellion in regard to levying tithes of products; there was an act of the confederate congress that required one-tenth of all the farm products to be paid in as a tax. It was complied with pretty generally. There was a considerable amount of provisions accumulated in that way. There was a considerable amount of cotton acquired in that way. The second year of the war, however, there was in Georgia an act of the legislature passed, prohibiting any man from planting more than two acres of cotton to the hand, that would have made the products larger than they would have been otherwise, if the season had been favorable. In 1864, the season was very disastrous. There were very heavy rains during June, and subsequently there was a protracted drought and a slender crop was made throughout all southwestern Georgia. My business called me through that part of the country; I passed through it frequently. The government had a butcher-pen in Oglethorpe, at which I think in the winter of 1863–'64 they slaughtered some 5,000 head of hogs, perhaps a less number. In the winter of 1864–'65 pork was slaughtered there; what amount I don't precisely remember. The only other commissary's or quartermaster's stores that they had there, that I know of, were those received from the tithes, which were bacon, corn, oats, fodder, wheat, peeled peas, ground peas, perhaps sirup, and I think there was a commutation allowed for sweet potatoes that ought to have been paid as tithes. They were a bulky article and difficult to keep. That is the reason the commutation was allowed. These accumulations were in every county in the State which was not in the hands of the enemy; there was a tithe agent in every county. I frequently visited other county towns; my profession carried me to them. I noticed stores and storehouses. They were not generally very full; the stores were hauled off as rapidly as they were gathered to the railroad depots, and sent to the armies of Tennessee and Virginia. Oglethorpe is about ten miles from Andersonville.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Cross-examined by COUNSEL.

I reside at Oglethorpe, in Macon county; it is northward from Andersonville. I was at Andersonville several times in August; I don't know how many times. I did not notice the prison every time I was there; I only saw it at a distance then. I never was inside the prison until last December; it was at that time literally crammed. I can form no estimate of how many were inside except from what the officers told me. I never saw men as closely packed as they were. I only know from what General Winder told me as to how they came to be there at that time.

Q. What was that?

The JUDGE ADVOCATE objected to the question, on the ground that General Winder's name had not been mentioned in the examination-in-chief.

The COURT after deliberation, overruled the objection.

A. General Winder stated to me that that prison was built for the accommodation of about 10,000 men; that before it was completed the prisoners at Richmond and other points in Virginia were extremely unsafe, by reason of Dahl-

green's and Kilpatrick's raid; they were rushed out from Libby, Belle Island and elsewhere, and put into that prison. He regretted that it was so crowded; he wanted to build other prisons, and stated that he was proceeding to do it as rapidly as the means at his command would enable him to do so.

He spoke about the deficiency of his means; he stated that he could not get the timber, that he could not get the labor, that he had impressed all the saw-mills in that country that he could impress; that he had got timber from every quarter where he could get it, and that he could not even furnish those who were there with shelter. On one occasion he came to me stating that there were several vacant houses in my town, and asked me if I would be good enough to endeavor to make a contract with the owners of those houses for him, so that a portion at least of the sick at Andersonville, might be accommodated. I endeavored to do so, but could not succeed, and I reported that fact to General Winder. Throughout the south transportation was, during the war, notoriously deficient. He did not say that Captain Wirz hindered him in carrying out that benevolent design; he did not say that Captain Wirz had anything to do with it. I got a pass to go inside the stockade. I wanted to buy a gold pen, and went far enough in there to satisfy myself that I could not accomplish the object of my mission, and I came out; that was in December last. I thought there might be something of that sort there, and for that reason I got permission and went in. It was certainly necessary to have that pass system. If he had allowed intercourse with the prisoners from everybody outside, I don't suppose he could have kept them there very long. That I think must be obvious.

By the COURT:

I am not a native of Georgia; I am a native of South Carolina, but I have resided in Georgia for thirty years. I do not know whether there is in that part of the country a period of the year which is called the rainy season. I have seen floods of rain there at almost all seasons of the year, and have seen very protracted droughts. So far as I saw, the prisoners inside the stockade at Andersonville had no shelter at all except such as they made themselves by digging holes and putting up blankets. I did not see the camps of any of the troops stationed there to guard the prison; I never went into the camps. From the road I have seen log huts, brush arbors, and things of that sort put up, now and then a fly, and occasionally a tent; so far as I observed, those troops had shelter; I don't say it was proper shelter; they had more shelter than the prisoners.

By the JUDGE ADVOCATE:

You have related what was said to you in conversation, by General Winder. Do you know anything of the truth of the statements made by him?

A. I do not; I have no personal knowledge of it.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863 AND 1864.

By COUNSEL:

The payment of one-tenth, of which I have spoken, was very rigidly enforced. The officers went around and collected it; and if they could not collect it voluntarily from the planters, they resorted to legal process to do it. The officers had very little going round to do; the people very generally complied with the requisition without putting them to the trouble of going around; it was only here and there that any default was made. I do not think that the one-tenth which they impressed in that way could have supplied the enormous wants of the confederate government; I know it could not. I know that they purchased, and beyond that they impressed; and beyond that there was an act of congress allowing an exemption to men who owned a certain number of hands, and those men were required to furnish so much beef and so much pork

for each hand, and to sell all their surplus agricultural products to the government at a price fixed by the government commissioner; and with all those advantages the rations of our soldiers in the field were very frequently deficient. I never looked into the condition of the commissariat at Andersonville, and I do not know what it was. I very frequently knew requisitions to be made on the tithe agent there by quartermasters who were sending provisions to the armies of northern Virginia and Tennessee; I knew these requisitions to be made when he had nothing. I don't think they were ever regularly filled after that tithe law. I don't know that there was any necessity for neglecting Andersonville, or that there was any want of transportation; and I don't know that the provisions there were short, for I know nothing about the commissariat there.

By the COURT:

That portion of Georgia has never been a hog-raising country, but since this war commenced there has been an entire revolution in its agriculture. Northern Georgia has been a hog-raising and stock-raising country. It is not a proper country to put up bacon unless you have very good salt to put it up with, such salt as we could not get during the stringency of the blockade. We always wait for cold weather in which to put it up, and then we do it with the very best salt we can get.

SEPTEMBER 2, 1865.

O. S. BELCHER, for the prosecution:

I have been in the military service of the United States; in the 16th Illinois cavalry. I was a prisoner at Andersonville from the 8th March to the 8th September, 1864. I was there prior to Captain Wirz's arrival there. I think he came about the last of March or the first of April; I think it was in April that he came there and took charge of the prison.

SHOOTING OF A PRISONER BY WIRZ'S ORDER.

I saw Captain Wirz order one man shot there one day, and the guard shot him; I did not see him do it, but I heard him. It was a man that was a cripple and went on a crutch. Captain Wirz was in the stockade and this man went up to him, and wanted him to take him outside. Captain Wirz would not do it, and finally this cripple went over the dead-line, and said he would rather be shot than stay there, and begged the guard to shoot him. The guard would not shoot him, and Captain Wirz went outside the stockade. There was a large crowd inside the stockade; pretty soon I heard Wirz halloo to the sentry on the post. He was outside the stockade in a little kind of canal which they used to drive into the stockade. I heard him tell him if the man did not go back over the dead-line, the guard was to shoot him. The guard told the man to go back; he did not, and was shot. The ball took effect in the jaw and passed down through the breast. A few minutes after Wirz came on the top of the stockade and threatened that if we did not go to our quarters, he would fire upon us and shoot some more of us. The man that was shot was called "Chickamauga." That happened at the south gate. I do not exactly remember the month. I think it was some time in June. We never paid any attention to such things there in regard to dates. It was hard for us to tell whether we were going to live to get out. The crippled man had lost one of his legs; he went on a crutch.

WIRZ SHOOTS AT A PRISONER.

I saw Captain Wirz use his revolver. After he took command, we were called up and counted off in hundreds. I was sergeant of a hundred. There was a man belonging to my hundred who had got away. Captain Wirz had

threatened that if any man left the ranks, he would shoot him. This man left the ranks. He was sick, and was not able to stand up. They kept us standing there in the hot sun all day, and would not allow any of us to go to get water or anything else. This man started to go out of the ranks and Wirz pulled out his revolver and fired at him. The ball went through the top of his hat, but did not hit him.

STOPPAGE OF RATIONS.

After we got to Andersonville we were divided off into detachments of two hundred and seventy, making divisions of ninety men. There was a sergeant placed at the head of each ninety, and the sergeants were subject to Captain Wirz's orders. Every man had to be present at roll-call, and if a man escaped, or if the sergeant did not give an account of him satisfactory to the rebel sergeants when they called the roll, he was taken out and put in the stocks for it. That prevented many men from making their escape. It was difficult in the crowded state of the stockade for the men to be present at all times. They gave us a small piece of ground for the ninety, staked off; it was so small that it was not suitable and the men could not stay on it, and we had to scatter all over the stockade, and stay where we could get a chance. If a man was absent from roll-call the result would be that the rations would be cut off—the rations of the whole ninety, till the man was found; they were kept standing there; they were kept standing for two days. I remember when rations were cut off; on the 3d, 4th, and 5th of July there was not a ration brought into the stockade at all.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When first we went there the stockade was very small; one side of it was not done. After the Wilderness prisoners were brought up, and all the prisoners from Cahawba, and Selma, and Danville, came they were all put in there, and the prison was not sufficient. There was hardly room enough for the men to stand up. They went to work then and enlarged the north side of the stockade. I should think that when we first went there, there were about twelve or fifteen thousand in the prison, and then it was so small that it would not accommodate the men. They enlarged it and it was still too small; they kept running prisoners in on us all the time. At one time there were forty-two thousand prisoners all in the stockade. There were probably eighteen or twenty acres of ground in the stockade, including swamp and all.

THREATS OF WIRZ.

I heard Captain Wirz say that he could kill more Yankees there than they were killing at the front. I suppose he was excited and angry with some of the men who had said something to him. He got so at the last that he dare not come over on our side of the prison at all. He could not come unless he had 300 or 400 men with him.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw men shot on the dead-line or crossing it; I have seen a number of men shot. I have seen 25 or 30 killed in that way, shot in different places around the stockade; some were over the dead-line, and some were shot who were not near it.

SHOOTING OF A PRISONER BY WIRZ'S ORDER.

Cross-examined by COUNSEL:

I cannot remember exactly in what month it was that I saw this man who was a cripple shot; it was in the summer season. I cannot tell any nearer than

that. It might have been in the month of August or it might not. I went there in the month of March. I went away from there on the 8th of September. I cannot tell how long it was before I went away from there that I saw this cripple shot, because I do not know. I cannot give you any idea what month it was. I cannot tell whether it was nearer to the time I went away than it was to the time I went there; I saw the man shot, I am sure of that. He was inside the dead-line near the south gate. He had been round the dead-line, I should think, 15 or 20 minutes. The sentry stood at the gate—on the post where he always stood. I do not know how long I saw the cripple walking round there inside the dead-line; I did not notice; I think 15 or 20 minutes. I saw the sentries standing there always—day and night. I should think my eye was always upon him. I did not know but I might get hit. I did not see this sentry always; but I saw sentries there. I saw this sentry before the man was shot—I should think about 10 minutes. The sentry was looking at the man before he fired the shot. I heard him say to the man he wanted him to go back over the line, that he did not want to shoot him. The man did not seem to obey him. There were a number of other men near the dead-line; probably from 150 to 200. I did not hear any of them try to persuade the man to return from inside the dead-line. I cannot tell what the men said. I cannot remember all the conversation that was had there. They stood there and looked at the man; no one did anything. I should think they stood there 15 minutes and looked at that man without saying or doing anything. I don't know whether they were mute or not, they did not say anything. They dare not attempt to do anything to get the man back, for fear of being killed themselves. You don't suppose the men were going over there inside the dead-line to get shot themselves. I mean to say, we dared not go over there to get him away. I do not know that I heard any one tell him to come back. I heard the sentry tell him to come back; I thought it was the sentry's business. I don't know what you call desperadoes. There were such men there as desperadoes—troublesome characters. I should not think he belonged to that class. He was a foolish, simple man, with one leg, on crutches; he would not be a very good man to steal, I should think. I did not hear him tell the sentinel that his comrades were clubbing him. He might have said it, and I might not have heard it. I do not think any of us were very well clad. The rebels took what stuff we had; we were not furnished with anything by any of the authorities after we were captured. We had clothes on, some of us, and some did not. So far as I can testify of myself, I had some clothes on. I saw men there without any hats on. I cannot say that nearly all of them were without hats; the general feature of the camp was that the men were all ragged, and nasty, and dirty, and lousy; that will take the whole thing in. I did not notice whether the man who was shot had a hat on or not. I did not say that the bullet went through his hat. That was another case. I cannot say that I saw Captain Wirz by the sentinel when the sentinel fired. In the case of this cripple, I heard him tell the sentinel to shoot him, that is all. Captain Wirz was then outside the stockade, I was inside. I saw him go out of the stockade, and I heard his voice; I could tell it anywhere, I have heard it so much. I think he was standing near the post when he gave that order. I saw him come up there by the sentry after the man was shot, and he told us that if we did not go back, he would shoot some more of us. When that occurred there was no more disturbance than there usually was.

WIRZ SHOOTS AT A PRISONER.

The man who had the hat on, who was shot, belonged to my hundred. That was in the north part of the stockade. It was not near the dead-line at all. It was before the dead-line was put in there. It was after Captain Wirz came there. It was the first day I ever saw Captain Wirz inside the stockade. I

think it was in March or April. I had been there two or three weeks. The man was not hurt; it scared him a little. That was after the Wilderness and the Danville and the Cahawba prisoners came there. I think it was in June, but it may have been in May. There were 42,000 prisoners there after the Spottsylvania fight, when Grant's men got there. I think it must have been in June—through the months of June, July and August. That was when the 42,000 prisoners were there. There were but 28,000 prisoners there in May. The 42,000 were there during the months of June, July, and August.

CONDITION OF THE PRISONERS IN THE STOCKADE.

While the 42,000 prisoners were there, we had no room. There was plenty of ground there, and they could have built a larger stockade. It was not possible, with so many prisoners in the stockade, to have room in such a hole as that. I do not know that Captain Wirz had anything to do with sending more prisoners there; I suppose the confederate authorities captured them; Wirz did not capture them, and he had to put them somewhere. I suppose he was obliged to do the best he could with so many prisoners there. He might have given us more room; and he might have given us a chance to got outside, and to build sheds; then we could have stood it. There were about 175 acres of ground there.

STOPPAGE OF RATIONS.

I was deprived of rations all the time for three days. There was not a ration brought in there for any of us; there was none that I saw. That was the 3d, 4th, and 5th of July, 1864. I saw no rations brought inside the stockade during those days. I had charge of one hundred men, and if there had been any there, I should have been likely to have got some of them. I saw rations in there; the overplus that the men had traded with the guards for. The prisoners had no rations brought in to them, during those three days, not that I saw, from the cook-house, nor from anywhere else. That was where all the rations had to come from.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen men shot there almost every day. I saw prisoners killed there in every month, all around the stockade. I do not suppose there was a month, while I was there, but what some of our men were shot. I saw it. I saw a man killed there in June, right where we got water, and in July I saw two shot there one afternoon, right where we were getting water. That was in June. I don't know what part of June. It was about the middle of June. I expect the sentries shot them. I saw the sentries fire at them; I did not see the balls hit them. I saw the men fall. I should think they were killed; they had the tops of their heads blown off. That was right in the centre where we got our water, between the north and the south side, in the slough—about the centre. It was very near the dead-line. I saw other men shot in different places all around. I have seen men shot right in the crowd. I saw one man shot at the north gate when he was going out after wood. That was in May, I think. I cannot tell what part of May, it might have been the middle, the last or first. There were a number of men shot there; I can name one I saw shot on the east side of the stockade. He was lying in a tent and he happened to throw his arm outside the dead-line, and the guard pulled up and shot him. That was in August, after the prisoners came from Petersburg. I think it was the middle of August. I have no recollection of the day. I cannot tell what day of the week it was. The man who was shot was in a tent made of blankets. I happened to be

up there with some of my friends; not in the same tent; in a tent a little way from it. I did not see him throw his arm out before the shooting, I heard the other boys in the tent say it. I saw the man and I saw him shot, but I did not see him throw his arm out. I saw the sentry shoot. He was on his post. I should think the sentry was nearly opposite where the man was. I saw him shoot—I do not know what position he was in. The ball hit the man in the head. There was no covering to the tent; it was a blanket set upon sticks. I expect he was shot because he threw his arm out; that is as good a reason as they could give for it after it was done. I told you I did not see him when he put his arm out under the dead-line, but I saw the sentry fire at him. I did not see the ball hit him. A man must have pretty good eyesight to see a ball strike another man. I saw the man after he was drawn out; about a minute and a half after, I expect; he was dead. I think this was in the middle of August. I can tell you of instances that happened there. I was not near them when they were shot, but I have seen them carried out. The others that I have spoken of were shot in the stockade the same as the others. Another was shot in the hospital before the hospital was moved outside the stockade. The hospital when inside the stockade was located on the north side of the stockade. It was up on the hill, not very near the brook. The man was trading with some guards over the line when they shot him. Over the line they had marked out there what they called the dead-line. He was not trading with the guards on the other side of the line; there was another man trading, and the guards fired at them. I saw the guards on their posts before they fired. They fired at them, that's all. I did not see them do anything just before they fired. I did not hear them say anything; they never used to say anything; they used to draw up and let it drive. This man died in a little while afterward. I did not see him die. I saw him at the time he was shot, and saw him carried into the hospital, the one in the stockade. One of the surgeons attended him. I cannot tell what month that was. I cannot tell when it was. It was before I went away, of course, not afterwards. I cannot tell whether it was nearer the time I went away or nearer the time I went there. I have no idea when it was. I can mention another instance of shooting; I saw a man shot near the south gate. That was when we were getting some sick out. I do not know what month it was. I have no idea in what month it was; I saw the man shot there; I did not keep dates when I was there. I cannot tell you anything about what he was doing. I did not see him immediately before he was shot; he was in the crowd. The guard fired into us and the man was shot. The guard was standing on the sentry post, the one at the gate. It was on the north side of the south gate. The man was standing down in the crowd; we were getting the sick out; the guard was standing up in the sentry post. I did not notice anything about the guard before he fired; I heard the report of the gun, and I saw the man drop, and I saw the guard taking his gun up after he had fired. There were probably eight or nine hundred trying to get the sick men out. I do not remember whether there was any unusual disturbance. I was busy trying to get my sick men out, and I do not know what was said. All that I saw was that the men took him outside of the stockade and he was dead. There was a bullet-hole through the man's head after he was shot; the man shot was not sick—he was a healthy man; I know he was a healthy-looking man; I do not know whether he was sick or not; he was not close to me, we were standing in a crowd all together. He was carried by me; I helped to carry him out. I cannot tell in what week or in what month this was; I cannot tell anything about it. I saw other men shot there. I saw a man shot at the creek just below my tent. My tent was right there next to the creek on what we called Water street. It was down next to the slough; it was the last tent before you got to the bridge near the stockade—the bridge made of stockade timber, which runs through from the north side of the slough to the south side. The slough was very small; it probably

took up six or seven acres of ground, that you could not tent on, and across it was the bridge running north and south. The man was shot right alongside of the bridge, while getting water; the bridge was near to the dead-line, and the men used to come down to the bridge to get water from above it, because below the bridge the water was not fit to use. The water ran under the bridge. There was not a portion of the brook covered by this bridge or corduroy road; the bridge was only large enough for a man to walk across. The water ran under it, and we had to get between there and the dead-line, and frequently the men would get their heads over the line and the guards would shoot them. A number of men were killed there. I cannot tell how many; I have seen them taken out almost every day. They were shot all the time we were there, in different months; some in May and June, and July and August, and some in September. I saw one man shot there on the 12th July; he belonged to the tenth Illinois cavalry. His name was Sherrard; a sentry shot him. I tell you, as I told you before, that men were shot right down at the brooks every day, or every two or three days. I could not tell you who they were or anything about it. It got to be so common a thing that we paid no attention to it. I have told you all I know about it. I cannot designate the day or the month when they were shot; I did not pay any attention to it. I can tell you, as I did before, that I saw men shot at the creek getting water, but I cannot tell you the month or day. We did not pay any attention to it; it was an every-day occurrence, and all we looked out for was not to get hit ourselves. I told you one regiment to which a man belonged who was shot. I cannot tell any other. I saw the men shot; I saw the guards fire and I saw the men carried out of the prison. Some of the men who were shot went out to the hospital, and some were killed dead. I cannot tell whether the men got well who went to the hospital, because we were not allowed any communication with men outside in the hospital. All these men were killed by sentinels, of course. I have seen Captain Wirz round the sentinels when they fired.

SEPTEMBER 2, 1865.

JAMES K. DAVIDSON, for the prosecution:

I have been in the military service of the United States; I was in the 4th Iowa cavalry; I was taken prisoner August 16, 1863; I was taken to Belle island; I remained there till February 26, 1864; I was taken from there to Andersonville; I arrived there on the 8th of March, 1864; I think Dr. White was then in command of the prisoners; Captain Wirz was not there at that time; I think he came there about the last of March or the first of April.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I staid in the stockade at Andersonville till the 11th of May; it was in a pretty filthy condition then; the slough running through there was very filthy indeed; the health of the prisoners was very poor; I saw them dying there every day; before I went away there were, I think, fifteen or twenty thousand prisoners there; when I went in there were not more than three or four thousand; Captain Wirz was in command when I went out of the stockade; I saw plenty of vermin in the stockade.

TREATMENT OF THE DEAD.

Many prisoners died in the stockade. The hospital was then within the stockade; the dead men were carried on stretchers out to the gate, and from there they were hauled to the graveyard in wagons. Part of the time I was employed outside the stockade chopping wood, and part of the time driving a wagon from the hospital to the graveyard; I drove a wagon to the graveyard a little over a

week; not two weeks, I think; there were two teams of us driving; we would each have from 50 to 75 men per day; we would throw them in the wagon just as we would wood; sometimes there were 20 or 25 at a load; we drove the same wagons back to the stockade loaded—sometimes with wood for the prisoners, sometimes with rations. We would go by way of the depot sometimes and get rations in the same wagon in which we carried dead bodies; those were the orders, I believe, from the quartermaster or the man who had charge of the teams; I believe his name was Duncan; I think he was an officer; he had charge of the cook-house.

THE RATIONS.

We drew these rations from the Andersonville station: from the depot; I was there nearly every day; I saw a storehouse there; I should judge it was, from 100 to 150 feet long, and not over 40 feet wide; it contained cornmeal, bacon, beans, rice, and flour; it was pretty well filled at the time I saw it; there seemed to be a pretty plenty there; I saw any quantity of vinegar at that station, in barrels; I do not remember the quantity; I have seen a good many barrels of vinegar and also sorghum molasses; the ration of vinegar to the prisoners was, I think, about a barrel to every thousand men for ten days; an ordinary size barrel.

THE SUPPLIES FROM THE NORTH.

I saw boxes of clothing and other articles sent by the sanitary commission; I saw them at the depot and at Captain Wirz's headquarters; I saw mostly dried beef and dried apples, fruit of almost all descriptions; I saw clothing; I never saw either clothing or rations of that kind issued to the prisoners; I have seen rebels wearing the clothes; I have seen them using our blankets and shirts, and also shoes that I knew were ours; I never saw them using the rations; I have seen Captain Wirz make use of some of those articles; I have seen him use some of the crackers and cheese and dried beef at his office; I saw boxes lying there containing sanitary stores that were not good; I saw them in August or about the 1st of September; they had been there all summer, I believe; I saw the same boxes previously; I think I have seen at the depot as high as four or five hundred boxes of different sizes from the sanitary commission; I knew that those boxes contained sanitary goods because they were marked "U. S." I saw boxes so marked opened and they contained articles of the sanitary commission.

THE POSSIBILITY OF MAKING SHELTER FOR THE PRISONERS.

There was some lumber about the stockade when I was there; there was lumber there in August; I cannot give the quantity; I don't know how many teams there were at the post; there were more than forty, I should think; they were mule teams—generally four to six mules to a team; there were plenty of axes at the post; there was an axe factory at the depot, and axes were made there—not very good ones, but they would do very well; they were better than none.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

I have seen vegetables grown there and some brought to market; they were roasting-ears, green peas—almost all kinds of vegetables; I saw peaches and melons, Irish potatoes and sweet potatoes, cabbage and collards; I don't know in what quantities I saw them; they were brought in there by the citizens almost every day; they were brought in to sell; they sold them to the prisoners once in a while on the sly; they had orders, I suppose, not to sell it; if they had been caught at it I suppose they would have been punished.

THE CHAIN-GANG.

I saw the chain-gang; I have seen from twelve to fourteen men in the chain-gang; it was a common thing to see the men in the chain-gang; I never saw men in the chain-gang under a tent; they were kept out in the hot sun; I saw one man die in the chain-gang; I believe he was buried with the iron collar round his neck; this was in August, I think, the first part of the month; I do not know the man's name.

MEN BITTEN BY THE DOGS.

I saw hounds there; there were six to nine that I saw every morning; they were used for catching prisoners, I suppose; they had them after them several times; there were two kinds of dogs, the hound and the catch dog, as he was called.; I guess he was a bull terrier or something of that kind; he resembled that somewhat; I don't know why he was called a "catch dog." He was more ferocious than the hounds; I saw one man who had been bitten by the dogs; he was bitten in the legs; the calf of his leg was torn pretty nearly off; I saw Captain Wirz there at the time; I did not see what became of the man; I don't know whether he died or got well; I do not know his name.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw two men shot there by the guards; I do not know the names of either of them; it was down on the east side of the stockade near the branch; the man had been washing his clothes and was hanging them on the guard line to dry; one of the garments blew over the dead-line; he reached through to pick it up, when the guard fired and shot him; I think it was the last of March or the first of April, 1864. The other case happened on the north side of the stockade; the man reached through the dead-line to pick up some crumbs of bread that had been thrown out there, and he was shot; he was killed. The other man was killed instantly; he was shot in the breast; the second man was shot in the head; I do not know his name; I heard fired shots of which I did not see the effects; I suppose the shots were fired by the sentinels; it was a very frequent occurrence.

A PRISONER SHOT BY WIRZ.

I saw Captain Wirz shoot a man; it was about the first of April, I think, shortly after he took command there; Captain Wirz was coming in the south gate one day; a sick man, as I took him to be, a lame man, asked Captain Wirz something, and Captain Wirz turned round and shot him; the man died.

WIRZ BOASTS THAT HE IS KILLING MORE YANKEES THAN LEE.

I have heard Captain Wirz say that he was killing more damned Yankees there than Lee was at Richmond. That was said in August; he was in my wagon at the time; I had been to the graveyard with the dead men.

PRISONERS STARVED TO DEATH.

I have seen men who were starved to death, thousands of them, inside the stockade; I saw men eating food that they took from the ground; I have seen men pick up and eat undigested food that had passed through other men; they would find it all through the camp; it came from men who were not able to go to the slough, and they would find it all through the camp.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Cross-examined by COUNSEL:

I was taken to Andersonville, in the first instance, from Belle island; I should judge there were three or four hundred taken there with me; some four hundred started, but a few of them died on the road; I was in a healthy condition when I was taken there; most of the others were; I do not think there were more than ten or fifteen of my squad sick. We got there some time in the night, and were kept in the depot; next morning they put us on a sand bank at the stockade, and after a while we marched down directly into the stockade. I was not very well clad when I got there; most of us had been prisoners all winter, and were pretty nearly run out; they did not take anything away from us at Andersonville; we had nothing to be taken; I was in the stockade from the 8th of March to the 11th of May.

THE SUPPLY OF WOOD.

When I went out I went directly to Captain Wirz's headquarters; I did not do anything there; he gave me a little piece of paper; I suppose it was a parole, but I did not consider it so; I then went to work chopping wood; there were twelve chopping wood with me; I guess there were no others besides my squad chopping wood; I did not know any; we cut wood all round the stockade; we cut it for the bake-house, and some little for the prisoners when we could; we were at work all the time; I did not know of any colored men there chopping wood. Captain Wirz gave us orders that we should cut three loads of wood in the day, each, or be put in the stockade, and, of course, we would do it, about a cord and a half, as much as six mules would haul; that was severe work in the condition we were in; if I had been in a healthy condition it would not be severe; if I had had half enough to eat I could get through in half the time.

TREATMENT OF THE DEAD.

I should think there were 25 or 30 acres in the graveyard; it was two-thirds full, I should think, when I left; I ran away from there on the 11th of September; I had quit driving teams and had gone to chopping wood for the bakery when I ran away from there; I was employed outside the stockade; I ran away, but was recaptured; I was not brought back there; I was taken to Macon, Georgia.

By the COURT:

I saw prisoners buried at the burying ground; they were buried about two and a half feet deep; not deeper than that; some were buried with clothes and some without clothes; I do not mean to say that they were stripped after they were dead; I never saw a man stripped after he was dead.

By COUNSEL:

I never drew out any confederate soldiers to be buried; I know nothing about their being buried there; the grave-diggers were Union soldiers.

By the COURT:

I do not know whether they dug the graves to that depth of their own will and accord or by instructions; they had a rebel superintendent there all the while; the prisoners were buried in trenches; what they calculated to cover up in one day they would dig a trench for the preceding day; I think I have seen as high as 150 in one of these trenches, the dead of two or three days before, and uncovered.

THE RATIONS.

By COUNSEL:

While outside we got our rations at the bake-house—the first one. We had a sergeant of the wood squad, who drew the rations and brought them to us. That sergeant was a Union prisoner. The rations were generally brought to us in pails and boxes. The bread consisted of corn, ground cob and all, and beans that were not fit for any human. We had plenty of it such as it was. It was not fit to eat. I do not know who furnished us the wagons to carry out the dead. A man named Duncan had charge of them. He was a quartermaster. He had also charge of the bake-house. I saw Duncan in the stockade while I was there. He used to come in there. I believe he divided the rations to the prisoners inside the stockade awhile; also a man named Humes, and Captain Bowers. I cannot tell what portion of the time, while I was in the stockade, Duncan provided the rations. I do not know who did provide the rations while I was in the stockade. I know that part of the time they were not provided at all. Duncan provided them while I was outside of the stockade, and a man named Bowers, and a man named Humes. I believe Duncan issued rations to us all the time we were outside the stockade. I believe the other two men went inside the stockade with rations. I do not know where Duncan's headquarters were. I do not know whether he had any headquarters or not. I believe he was generally recognized there as quartermaster. He was at the cook-house nearly all the time. He was a confederate. He did not belong to any regiment that I know of. I do not know where he ate his rations. I have no means of knowing whether he ate the same as he furnished to me. I do not know who furnished the wagons; Duncan had charge of them. I drove six mules all the time. I did not take care of the mules. I drove them to the depot at night and turned them into the corral. I had to go there every morning to get my mules. I do not know that I saw Duncan there at the depot. I never saw any other man at that place acting as or being called quartermaster. I had no orders in reference to these mules, only, after we were done our day's work, we were to return them to the corral. I do not know how many mules and horses were kept at that corral. There was a corral there with about two acres of ground, and was pretty well crowded with mules and horses. I could not go and select for myself my horses and mules. I had one team all the time. The man who had charge of the corral gave them to me. When I went to the corral for my team, I would ask for it, and tell the man what team it was, and he would get it. He would not ask me to describe my team. If we called for a team to haul rations, we would get it, and if we called for a team to haul out the dead, we would get it. When I called for a team to haul out the dead, the same man gave it to me. He had charge of all the teams, I suppose. I do not know that I could request my team to be changed at any time; I never requested mine to be changed. I did not care what team I had. They were all about alike. I never asked to have any more teams than what I had. I had no use for more than one. I do not know whether I would have got any other team if I asked for it. I did not ask for it. Nobody directed me about the driving of these teams. I was ordered to take the same team to draw rations in that I used to haul out the dead. Mr. Duncan, the quartermaster, ordered me. He has ordered me, when driving past the cook-house with the dead, to fetch a load of rations as I was coming back; and I obeyed him, of course. Captain Wirz never ordered me to do that. I looked up to Duncan as my boss or employer there. I did not consider that Captain Wirz had anything to do with me—nothing more than hearsay. He never interfered with me while I was at work with Duncan. Captain Wirz never assaulted or bruised me while I was at work there.

WIRZ BOASTS THAT HE IS KILLING MORE YANKEES THAN LEE.

No conversation at all led to the remark that he was killing more Yankees than Lee. I believe that same morning he had been out with the hounds and caught a man. He told me he was killing more damned Yankees than Lee was killing at Richmond. That was all that was said. I did not make any reply. I did not say anything before he made that remark. I do not recollect whether he said anything to me before he made that remark. It was just a sudden outbreak on his part.

THE SUPPLIES FROM THE NORTH.

I have seen Captain Wirz use crackers and cheese and dried beef, rations belonging to Union prisoners. He was making a breakfast of it one morning in his office; the morning that I was paroled. I do not recollect seeing him using these supplies more than once. I have been very often at his office, and I would always see a box of sanitary provisions open there. I have seen boxes opened at the depot. I do not know that he sent the sanitary provisions into the stockade for the soldiers. I do not know that those sanitary boxes were sent to his office for that purpose. I do not think that they could get in there without his permission. I never knew of his sending any in there. I never saw him eating them but that morning for breakfast. I never saw them being used at the quartermaster's building. I never saw them used anywhere else. I saw boxes open at the depot. I believe that quartermaster's building was the only building in which they stored away their rations. I saw a large number of boxes at the depot in July or August. I should judge I saw there 400 or 500 boxes of different sizes. None of them were large dry goods boxes. Some of them were ordinary boxes, such as hard tack is put in. They were not all of that description; some of them were larger. They seemed to be generally of that size. I do not know what was in all of them. Some of them were open, and I knew what was in them. I do not know how many were open. I did not examine any of them; I merely passed by them and saw that they were open. There was dried fruit and crackers in those that were open. Some of the fruit was in cans and some of it was not. The boxes at the depot were right west of the commissary building—not adjoining the rebel commissary building; there was not room for more than a wagon to drive between the building and the boxes. They did not lie just as they were taken off the cars; they had been hauled out there. They remained there all the summer. The piles did not increase. There were some boxes taken away. I did not see them taken away, but I know that they were taken. I think some of them went to Captain Wirz's headquarters. I am pretty sure of it. I don't think I saw more than five or six there at any one time. I believe all the boxes there were open, the most of them anyhow. They were not empty. I never eat anything at Captain Wirz's headquarters. I believe I only saw Captain Wirz eating there that one morning.

THE POSSIBILITY OF MAKING SHELTER FOR THE PRISONERS.

I think that lumber I have spoken of lay there all through June, July, and August. I saw it after I went outside the stockade. It lay up on the northwest corner of the stockade, at the north gate. There were planks and joists both there. The pile would fill several rooms like this; I think a dozen rooms like this anyhow. I think they commenced hauling it there about the first of June. Part of it was there when I ran away. I think that some of it had been taken into the stockade and put up. I think they built some shelter in there. They made barracks of some of it. I believe the barracks were for the sick in

the camp there at the time. None of that lumber was used to build that other bakery—that second cook-house. I am sure of it, because I remember that the lumber that they built that bakery of came direct from the depot. I saw the most of it hauled. None of that lumber was used for anything else but to build barracks for the sick. I do not know what portion of it was used for that purpose. There was not one-tenth of it used for that purpose. I cannot tell who occupied that barracks; I was outside. Some of it was used in or about the stockade. They made barracks of it inside the stockade. None of it was used outside the stockade to my knowledge. There were several other buildings at the depot, a church, a blacksmith shop, and a post office. I believe the axe factory was a wooden building. I should judge it was about sixty feet long and forty feet wide; it was a two-story building. I was inside of it. I do not know how many men were at work inside of it. They had no machinery, only the common blacksmith tools. I don't recollect how many forges there were in it. I think there were five or six. These men were at work making axes, some of them, and some of them were shoeing mules and horses. They shoe mules and horses in a blacksmith shop; that was where they made their axes; that is what I mean by axe factory. I cannot say whether it was anything more than an ordinary blacksmith to the army or not. I expect it was as good as they had. I saw them occasionally repairing an axe there. I do not know whether they had any material there out of which to make axes or not. There were axes made there. I have seen a good many new axes made there. They were not polished; they were in the rough. I cannot tell whether it was any more than the repairing and putting helves in axes there. There was no other blacksmith shop there than that one that I knew of.

MEN BITTEN BY DOGS.

I never saw those hounds chase any one, but I have seen them around the prison trying to get track of some who had escaped. I do not know whether they were upon a track or not. I never saw them bite any one. I never saw Captain Wirz set them on to bite any one. I have seen Captain Wirz around the prison with them a good many times. He made it his business to go around with them nearly every morning. The dog that I called a "catch dog" was a bull terrier. They called him a catch dog I do not know that I ever saw any one point to that individual dog and call it a catch dog. It was only from general talk that I considered him a catch dog. I know a hound when I see one. I think it was in July that I heard of a man being bitten. I saw the man after he was bitten; he had just been brought in. I saw him near Captain Wirz's headquarters. I believe they called this man Frenchy.

A PRISONER SHOT BY WIRZ.

Captain Wirz shot this man that I have spoken of on the south side of the branch, up pretty near the gate, on the inside of the stockade. I think it was in April. I don't think it was later than the 10th of April. Captain Wirz had not been there a great while. He shot the man with a revolver. I cannot tell the man's name, nor to what company or regiment he belonged. I never saw the man before that. I saw him after he was shot, when they were carrying him out of the gate. He was dead. Captain Wirz had on white clothes then. I would not call it a confederate uniform, I would call it a citizen dress. He had on his head a gray cap. I never saw him wear anything else. His coat was not made in uniform style. I believe he had brass buttons on his coat; I am not certain. It had a turndown collar. I never saw Captain Wirz shoot more than one man, and that was near the south gate, inside the stockade. He was not within the dead-line.

CONSOLIDATED RETURN OF THE ANDERSONVILLE PRISON FOR THE MONTH OF AUGUST, 1864.

SEPTEMBER 2, 1865.

Captain J. H. WRIGHT, for the prosecution:

I have been in the confederate service. I was captain and quartermaster for the confederate troops at Andersonville. I know the signature of J. H. Winder. (A paper was here handed the witness.) That is his signature. It resembles his son's signature very much, but I am confident it is his from the fact that he signed his "Jno. H. Winder," and his son signs his "J. H. Winder." I know the handwriting of the prisoner. I find the prisoner's handwriting on that paper. The following paper was put in evidence:

Consolidated return for Confederate States military prison, Camp Sumter, Andersonville, Georgia, for the month of August, 1864.

Prisoners on hand 1st of August, 1864:			
In camp		29,985	
In hospital		1,693	
			31,678
Received from various places during August		3,078	
Recaptured	4	3,082	
Carried out		34,760	
Died during the month of August		2,993	
Sent to other parts		23	
Exchanged		21	
Escaped	30 3,067	3,061	
Total on hand		31,693	
Of which there are on the 31st of August—			
In camp		29,473	
In hospital		2,220	
			31,693

The same complaint has been made again against the carelessness and insufficiency of the guard of the thirty prisoners. Eleven escaped while on parole of honor not to escape as long as they would be employed to work outside.

The balance of nineteen escaped, some on bribing the sentinel with greenbacks, some simply walking off from the guard while returning from the place where the tools are deposited at night that are used in the stockade in day-time. Perhaps twenty-five more escaped during the month, but were taken up by the dogs before the daily return was made out, and for that reason they are not on the list of escaped nor recaptured.

That only four were recaptured is owing to the fact that the guard nor the officers of the guard reported a man escaped. The roll-call in the morning showed the man missing, but he was too far gone to be tracked. As we have no general court-martial here, all such offences go unpunished, or nearly so.

The worthlessness of the guard forces is on the increase day by day.

H. WIRZ,
Captain Commanding Prison.

[Indorsed.]

Consolidated return for Confederate States military prison for the month of August, 1864. Respectfully forwarded to General S. Cooper, adjutant and inspector general.

SEPTEMBER 5, 1864.

(in red) Enc. W. 2576½.

JNO. H. WINDER,
Brigadier General.

Counsel for the defence declined to cross-examine the witnesses.

CONSOLIDATED RETURN OF THE ANDERSONVILLE PRISON FOR THE MONTH OF AUGUST, 1864.

SEPTEMBER 2, 1865.

COL. JAMES H. FANNIN, for the prosecution :

I was in the confederate service. I was colonel 1st regiment Georgia reserves; the regiment was organized on the 3d of May, 1864. I was stationed at Andersonville. I arrived there on the 9th of May, 1864. I have seen the signature of Jno. H. Winder frequently, and I believe I should know it. (Consolidated return for Confederate States military prison, Andersonville, Georgia, was here handed the witness.) I think this is his signature—beyond doubt it is. I know the signature of Captain Wirz. I find his signature on that paper.

Counsel for the defence declined to cross-examine the witness.

CONSOLIDATED RETURN OF THE ANDERSONVILLE PRISON FOR THE MONTH OF AUGUST, 1864

SEPTEMBER 2, 1865.

Major A. A. HOSMER, for the prosecution :

I obtained the paper just offered in evidence from the chief of the bureau, in whose custody the rebel archives are placed—from the War Department.

Counsel for the accused declined to cross-examine the witness.

SEPTEMBER 2, 1865.

THOMAS HALL, for the prosecution :

I am in the United States marine corps. I was a prisoner at Andersonville, Georgia. I was at other prisons besides Andersonville. I was at the Charleston jail, and at the Columbia jail, South Carolina. I was in Columbia jail for two months, and at the Charleston jail for five days. My treatment at Columbia and Charleston was very good, compared with Andersonville. I arrived at Andersonville on the 2d of March, 1864. I staid there until the 8th of September, 1864. I was allowed to go outside the stockade; I carried out some dead. I was out no other time.

THREATS OF WIRZ.

I know the prisoner, Wirz; I would know him anywhere I saw him. He was not in command of the prison when I got there; he took command three or four weeks after I got there. I heard him threaten to shoot our prisoners; I saw him pull out a revolver when there were some men too sick to stand up at roll-call. He said that if they wouldn't get up and fall in he would blow their God-damned brains out, for God-damned Yankees. One day all the sergeants of "nineties" were called up to his headquarters. He came out with a paper in his hand, and said he knew well we were going to make a "break" there, but that the first time he caught any of us in a crowd around there at the gate he would throw grape and canister among us as long as there was a damned Yankee kicking, and that he would'nt stop for General Winder or any other general until he thought fit. Captain Wirz came around one morning and kept us standing in the hot sun from 8 o'clock in the morning until 4 o'clock in the afternoon. Some of the men could not stand up on account of scurvy and chronic diarrhœa. Captain Wirz wanted to know where my men were. I told him that they were lying around sick. He pulled out his revolver and called us damned Yankee sons of bitches, and said if they didn't get up he would blow their brains out.

MEN BITTEN BY THE DOGS.

I saw hounds there; I have seen them come right up to myself when they caught me. That was in July, 1864. I saw a man who had been bitten by the dogs. I saw one man come into the stockade on the south side, with his clothes all torn, and his leg nearly torn off. He went out of the stockade, and I never saw him after that, and I guess he died.

VACCINATION.

I saw men vaccinated. After vaccination the men had big ulcers and big sores on their arms, twice as large as a silver half dollar; the sores were all rotted, and maggots got into them, so that the arms had to be cut off, and a great many of them died.

PRISONERS STARVED TO DEATH.

I was in charge of ninety men. The whole 90 died three or four times over. I got 90 at a time, and before a month was over there wasn't one of them left. Then I got 90 others; I got new prisoners from Grant's campaign, and all of them died. They died from starvation. They had nothing to eat, and what they got to eat wasn't fit to give to hogs.

SHOOTING OF PRISONERS BY WIRZ'S ORDER.

I heard the prisoner give orders to shoot men; I saw him give orders to shoot, and he wasn't gone ten minutes before they did shoot. The same day taht he came in there he gave orders to four men who were posted in each sentry box that they were to blow out the brains of the first Yankee who fell out. This was abont the first of June. I saw men shot inside the stockade. I saw six altogether. I saw a cripple shot there. He belonged to the Tennessee army. We called him Chattanooga, or rather Chickamauga. He lost his right leg there, and was taken prisoner. He was a Canadian by birth. He went inside the dead-line; our boys had a grudge against him for "blowing" on them when they were tunnelling. He went inside the dead-line and begged the guard to shoot him. The guard told gim to go off, but he would not go off. Captain Wirz came inside the stockade, and then went out again. Immediately afterwards I heard the guard fire his piece off. I did not look around to see whether the man was shot, but I know that he was.

SHOOTING OF PRISONERS BY THE GUARDS.

The man who was shot in June belonged to the 69th New York; I have forgotton his name. I believe I would know his name if I heard it. I think his name was Burke. He was shot in the jaws. That was on the 22d of June, and he died on the 10th of July. I was present when he was shot; I was standing on the bridge. I did not hear anything said about furloughs that day. I did the next month. The circumstances of that man being killed were these: There were two men down there getting water, and one man was pushed over the line. The guard stood up and let "blaze" at him and shot him through the head, saying "There is another Yankee son of a bitch out of the way; I will get thirty days' furlough for him. If I thought I could get sixty days, I would shoot one every day." There was nothing more said about furloughs. I saw two or three other men shot. I do not know the dates or their names. They were shot in June, July, and August. There was also one shot in April. He was shot on the north side. He was a crazy man. There was a tent put up

with boughs, and this fellow was in it. There was a sailor passing by who had some green bread, some mouldy stuff not fit to be eaten, and he flung it over the lines. This crazy man was coming along, picking up bones and such things, and he put his hand over to get this mouldy bread. The guard let blaze at him and shot him. The ball went in his breast and came out on his back. Some of the buckshot took effect in his leg. Two men were shot in one day; one was shot in the morning about half past ten, and the other was shot about half-past three in the afternoon. These are the men I have referred to in my testimony. The one in the afternoon was getting water, and he put his bucket in clear water below the line, as the water above it was filthy, not fit for horses.

Cross-examined by COUNSEL:

I never saw Captain Wirz shoot a man. I never saw a man who was shot by him.

The PRESIDENT. I wish to call the attention of the judge advocate to the fact that it is very desirable to connect the circumstances that are testified to with the charges and specifications more specifically than has already been done.

The JUDGE ADVOCATE. Time and place are about the only particulars that can he testified to by these witnesses. They do not recollect names, and some of them hardly remember dates.

Mr. BAKER. They do not even remember the months.

The JUDGE ADVOCATE. I doubt whether you or I would remember anything if we had gone through what they have.

Mr. BAKER. Then you should not attempt to prove it.

The PRESIDENT. I simply make that suggestion to the judge advocate.

The JUDGE ADVOCATE. I am very much obliged to the court, but we have met shis difficulty in preparing the charges and specifications.

Mr. BAKER. There have been innumerable cases of shooting testified to, and I think that unless they can be specified and brought home to the prisoner there should be no more of this general testimony about shooting given. This class of testimony should be brought directly down to the fact, because where thirty or forty witnesses testify to cases of shooting, varying their statements both as regards time and circumstances, it would appear as if those were all distinct cases, whereas there are really only four or five cases.

The ASSISTANT JUDGE ADVOCATE. The gentleman does not seem to understand that the government has directed the prosecution of this case, and has appointed officers to prosecute it, and to present it to the court, and that it is not the business of the defence to lay out the ground which they shall go over.

Mr. BAKER. I suppose the government has done that. I do not wish to be disrespectful, but I have felt for two or three days that that ought to be done.

The PRESIDENT. The remarks of the counsel for the defence are not directed to any motion or line of action. The court therefore cannot discover any point in them.

Mr. BAKER My object was simply to suggest to the judge advocate, if he could, consistently with his instructions, to bring something home close to Captain Wirz, so that we could know how to conduct the defence.

General THOMAS. There is one case that has been testified to by many witnesses.

The PRESIDENT. I can see but one rule for the judge advocate to follow, that is to bring before the court all the facts in this case. We want all the information attainable, whether the witnesses testify to one circumstance or a thousand.

Lieut. Col. STIBBS. This witness has testified that he saw some six prisoners shot. His manner of testifying is a good deal mixed up, and I should like him to commence with the first and tell us the circumstances connected with it.

Mr. BAKER. That is just exactly what I wanted.

The JUDGE ADVOCATE. In response to the suggestion made by the President, I would like to made this remark: The second charge, murder and the violation of the laws of war, sets out specific acts committed either by the prisoner or under his personal direction, and all evidences not pertaining to the specifications under that charge are properly applicable, as the government claims, to the first charge of conspiracy, and this will be distinguished very readily. I do not think there is any danger of cónfusion on that point.

Examination continued:

By the COURT;

The first man I saw shot was the cripple. The second one was in June; another was in April. The other two were in July, and there was one after that at the spring. That makes six. I do not know the name of any of them. I only heard the one name and the cripple's name That was the one I called Chickamauga, the cripple. He had his right leg shot off and went about on crutches. The one in April was the crazy man who reached his hand over the dead-line for a piece of mouldy bread, and as soon as he did the guard let fly at him. The next one was the cripple. The next one was on the 22d of June. He was shot down at the creek getting water. That was the man Burke. There were two shot in July and one in August. I did not describe the one shot in August. He was shot down getting water in the same way. I described the two shot in July. The two were shot in one day; one was shot at half-past ten in the morning and the other at half-past three in the afternoon.

CONDITION OF RETURNED UNION PRISONERS.

SEPTEMBER 21, 1865.

Dr. WILLIAM BALSER, for the prosecution:

My position is acting assistant surgeon, contract surgeon. I was stationed at Hilton Head, South Carolina, twenty-seven months. I had occasion to treat the prisoners returned from Andersonville at Jacksonville, Florida, from the 1st to the 26th of May. I was ordered there on the 28th of April. There arrived at Jacksonville on the first of May 3,250 prisoners, and the same day that I arrived 50 more arrived. They were in a most horrible condition, nearly naked. If they did have anything on it was only rags. They were covered with filth and lice. They had sores all over them, and a great many of them were living skeletons. The most prominent disease among them was scurvy and diarrhœa. The diarrhœa seemed to be a symptom of the scurvy, not the ordinary camp diarrhœa that we see in our army. The men got better as soon as they got better treatment and fresh vegetables. Fresh vegetables generally increased our ordinary diarrhœa. A great number of the prisoners had their arms and legs swelled up three or four times their natural size and actually black with extravasated blood. They had ulcers three or four inches in diameter on their arms and calves of their legs. Some of them, from the effects of the scurvy, had necrossis of the jaws, so that I was obliged to pull out pieces of bone nearly an inch long. Some of them had lost the eye from ulceration of the anterior portion of the cornea. Some of them were totally blind, no doubt from extravasation of blood as well as from fluid in the posterior parts of the eye. A good many were idiotic and demented from softness of the brain, resulting, no doubt, from long suffering. Bad nourishment and exposure to the weather would cause that. There were 3,300 at Jacksonville altogether, and I do not believe there were 200 who did not require treatment, more or less. From the 1st of May to the 26th of May, when the last of them were taken away, there had died between 80 or 90. The 3,300 were not there all the time. On the 9th of May between 1,300 and 1,400 were taken away, part to the hospital at Hilton Head and part to Annapolis. On the 15th or 16th of May there was

another batch taken away, so that on the 26th of May, when the hospital steamer Cosmopolitan came to take off the balance, there were only from 250 to 300 men left there. I know from the records that between 40 and 50 died at the hospital at Hilton Head. I do not believe that one-half of them will ever again be fit for their former occupations. I take it for granted that they were mostly mechanics and farmers. I do not believe that they will ever be strong enough to perform the same amount of work.

(Four photographic pictures, one of them being already in evidence, and the others being subsequently put in evidence, were here shown to the witness.) I have seen cases similar to those; I have seen numbers of them, not individual cases, but I might say, by the dozen. Long-continued, improper, and insufficient food, and exposure to the weather, produce this condition of things among these prisoners; to the sun as well as to the cold and rain storms. I also saw several cases of gangrene, produced no doubt by exposure to cold and (in the latter part of April) to the sun. From the history given by the men, their feet commenced to blister and all vitality left their limbs. I did not meet with these peculiarities of disease in treating the soldiers of our army. I have been in the service three years and eight months, and during that time I have only seen one case of scurvy in our army, and I have been where there was a chance for men to get it, on the peninsula. I did not find it necessary to make amputations in treating these returned prisoners, they were too far gone. They died three or four days after they came to Jacksonville. I made no amputations on the survivors.

Cross-examined by COUNSEL:

I was educated as a physician in New York city. I am a regular graduate of medicine. I had been in practice two or three months before going to Jacksonville. I was in the hospital as surgeon about twenty-three months before these prisoners came to me. Those thirty-three hundred prisoners arrived between the 28th of April and the 1st of May, 1865. I knew they came from Andersonville from the statement of nearly every one of them, and from the official lists of the Provost Marshal General of the department of the south; official reports are sent with them. I know that all these 3,300 came from there. I know nothing about Andersonville myself, thank God.

SEPTEMBER 2, 1865.

JAMES CLANCY, for the prosecution:

I have been in the military service of the United States; in the 48th New York regiment. I was taken prisoner. I was at the Andersonville prison; I arrived there on the 16th of June, 1864. I remained there until the 2d of November, 1864.

TREATMENT OF THE SICK.

I was in the stockade all the time. It was very much crowded. The men were very destitute of clothing and shelter. Quite a number were sick inside the stockade who could not be admitted to the hospital, and they died in there for the want of going to the hospital. I carried a number of my own regiment out to be admitted, but I could not get them in. I carried one man out three times before he was admitted. That was the general rule so far as I could see. They would never take any man of our regiment out until he was almost dead, and would not live more than a week after being taken to the hospital.

CRUELTIES COMMITTED BY WIRZ.

I saw Captain Wirz while at Andersonville. He was in command of the prison when I went there. I saw him beat a prisoner. On the 26th or 27th December I came back, having been out on parole at other places for some time. I was

under Captain Johnson. We had been to Albany, Thomasville, Blackshire, and other places. When I came back Captain Johnson told me that he would not put me in the stockade, if I wished to stay out with him. There were five of us; I told him that I would prefer not to go in the stockade. We were standing outside the guards looking at Captain Wirz form the men. There was a boy leaning on a little wooden pail, which would hold about four quarts. He looked to be very sick; he was pale, and looked as if he was not able to stand up. Captain Wirz came around there and told him to fall in the ranks. The boy was leaning his head on his hand, and he told Captain Wirz that he was very sick. The boy did not move fast enough to suit Captain Wirz. Captain Wirz looked around as if he wanted to find something with which to hit him. Not seeing anything he drew his revolver and hit him with the back of it. The boy put his hand on the ground to raise himself, but he did not get up fast enough, and Captain Wirz hauled off and kicked the bucket away from under him. The boy lay there. Something else attracting Captain Wirz's attention he went off and I saw him afterward forming the men into detachment to put them into the stockade. When the prisoners marched in I saw the boy marching in after them, resting on the shoulder of some of the men.

SHOOTING OF PRISONERS BY THE GUARD.

I saw a man shot by the guard in the stockade. The first case I saw was down at the creek, in the month of July; I do not recollect what part of the month. I do not recollect the name of the man that was shot. I was going down to the creek to get some water in an old piece of a boot leg that I had. As I was going down the pathway, one of the guard was standing upon the lookout; a man was reaching in after some water; it was so muddy and full of grease and dirt, that he was reaching over to get some cleaner water. Somebody came behind him and stumbled against him so that a part of his body, from the head down to the shoulders, was over the dead-line. As soon as he got that far the guard raised his gun and shot him dead. He did not live five minutes afterwards. The next case was in the month of August. I don't know what part of August. It was very near nightfall, and a man was reaching his hand over the dead-line to get some pine burs to cook his victuals with. As he was reaching in the guard saw him and fired at him; he missed that man, but struck another who was in the tent asleep. The ball took effect in the head, carrying off a piece of his skull. The brains and blood flew around the whole tent. I do not know the man's name. He died. There was another man who was shot, down at the creek. I helped to wash his wounds. He was shot through the arm. That was in August; after the other instance; not more than a week or six days afterwards. The man went out, and I do not know whether he got well or not. There were others shot at the same time, but none that I remember seeing. They told me that two men besides the one that got shot in the arm got wounded, but I did not see them. When this man was shot I heard something said about giving furloughs to the guard for shooting prisoners. I heard it from the guard. I got into conversation with him up where my tent was. I first asked him when he thought we would be exchanged. He said he did not know. I asked him who it was that gave the orders to shoot the prisoners so. He said it was Captain Wirz. I asked "what does he give you for shooting us?" He answered that "they were promised a thirty days' furlough." That shooting was done often. I often heard reports of sentinels firing. It was a very common occurrence. As soon as any new prisoners came in they would know nothing about the dead-line and would not be notified of it and would go over it and be shot. I only saw shot the three that I have mentioned. I do not know the names of any of them.

Cross-examined by COUNSEL:

I was put in Andersonville prison on the 16th of June, 1864. I went there from the Pemberton tobacco warehouse, Richmond. Nearly a thousand prisoners went with me. I was in the Andersonville prison over a month before they let me know anything about the dead-line. I did not know what it meant, but I knew it was something that it was nobody's business to get inside of, and therefore I kept away from it. I did not know what it was until I asked one of the boys. I was not sick that month before I heard of the dead-line. I went about among my companions, all around among those of my regiment who were in there. There was nothing to hinder me from going from one side of the stockade to the other. I did it sometimes for exercise. I left there the 2d of November.

CRUELTIES COMMITTED BY WIRZ.

I should judge it was about a day or two before Christmas that Captain Wirz struck the sick boy. I left there in November and went round to Savannah and to several other places and got back to Andersonville on the 26th or 27th of December. I was away part of November and December. I left Andersonville the 2d day of November. I left it finally March 24, 1865. I was taken away from Andersonville the first time in November, because Sherman was expected along that way. I did not run away.

SEPTEMBER 2, 1865.

OLIVER B. FAIRBANKS, for the prosecution:

I was in the military service of the United States; in the ninth New York cavalry. I was taken prisoner October 10, 1863. I was first taken to Libby prison, Richmond. I remained there until some time in February, 1864. I was then taken to Andersonville. My treatment in Libby prison was better in every respect than at Andersonville. I was in the stockade at Andersonville all the time.

THE RATIONS.

I noticed storehouses at the depot when I was living there the first time. That was in September, 1864. I saw a large log building about a story and a half high. I saw one of the doors open. It was pretty well stored with provisions. I also saw a large amount on the platform. They were all in sacks. I did not see anything besides sacks. My rations for twenty-four hours I could eat in one meal and still be hungry. The quality of my rations was very inferior. They consisted of corn-meal of the coarsest kind; sometimes very poorly baked and very filthy; a great many flies, and sometimes maggots, baked in it. We also got beans which were cooked, pods and all, and we found in them, often, stones as large as a marble. These rations were not weighed.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The prisoners in the stockade were very destitute of clothing. Some had scarcely clothing sufficient to cover their nakedness. I was one of that number. The stream that ran through the stockade was at times very filthy, so that it was unfit to wash in.

TREATMENT OF THE SICK.

I never saw any sick treated, except those who were in the stockade; they were neglected in every respect. When I first went there they were lying around without any shelter of any kind; they were lying on the ground without any blankets, some of them with barely clothes enough to cover their nakedness, and very lousy, and so filthy that it was difficult to distinguish them from

negroes. I saw a great many men there in a crippled condition. Some would move about on their hands and feet; others did not pretend to move at all, but just lay there in their helpless condition. I did not see any cases of small-pox while I was there.

STOPPAGE OF RATIONS.

The rations of all the prisoners were stopped while I was there. The rations of the sick men were stopped. The first time the rations were stopped, after my arrival, was the first day Captain Wirz took command of the prison. It was some time in March, 1864. The reason he gave for it was that he could not find the exact number of prisoners in camp. He stated that he would stop our rations until he could find out how many there were. There were about 3,000 there then. The rations were stopped for 24 hours twice inside of three days.

CRUELTIES COMMITTED BY WIRZ.

Captain Wirz took command about six weeks after I went there, and he was in command there all the time afterwards, from that time until the time I left. He attended roll-call when he first went there, until the number of prisoners became too great for one man to superintend the roll-call. His manner at roll-call was very overbearing and abusive. He generally saluted the prisoners by calling them "damned Yankee sons of bitches." He often abused the prisoners. It was of frequent occurrence. I know a person whom he kicked. He was my father. One morning Captain Wirz came to roll-call when my father was lying in a helpless condition. He was affected with scurvy. His legs were drawn up so he could not straighten them, and also his arms. While he lay in that condition Captain Wirz came up to him several times and told him he wished him to fall in at roll-call or he would kick him. He did finally kick him, and abuse him in language most shamefully. He said, "You God-damned Yankee son of a bitch, if you don't fall in at roll-call I will not give you anything to eat for a week." He stopped my father's rations. On such occasions as I have referred to twenty-four hours was the longest period at one time. The kicking caused my father to have a very severe pain in his side. I saw him beat other prisoners; I saw him knock a man down with his pistol for entering a complaint about the rations being so poor. My father died while in prison, about a month after the occurrence I have narrated. I have a statement of his made at the time of his death. He made a verbal statement to me at the time he died. He called me by name and said he died from sheer starvation, and asked me not to tell my mother, his wife, the awful condition in which he was compelled to die. After he had spoken those words I wrote them down, and held his hand upon the paper, and he signed his name. I did not guide the pencil, I merely placed his hand upon the paper. He was perfectly rational until the last.

A paper being exhibited to the witness, he identified it as the one just referred to in his testimony.

The ASSISTANT JUDGE ADVOCATE proposed to offer it in evidence.

Mr. BAKER objected.

By the COURT:

How long before he died did your father sign that paper?

A. He did not live, I think, ten minutes after he signed it.

The court, after deliberation, overruled the objection, and the paper was admitted in evidence. The following is a copy:

August 27, 1864.

CAMP SUMTER, ANDERSONVILLE,

Oliver, I die from sheer starvation, and don't for the world tell your mother of the awful condition I am compelled to die in.

RICHARD FAIRCLOUGH.

Captain Wirz used his left hand in striking that man with his revolver. I noticed that he carried the revolver on the left side, and he took the hand which was on the same side and drew the revolver.

SHOOTING OF PRISONERS BY WIRZ'S ORDER.

I saw men shot there during the months of June and July. The first was a cripple, who has already been described by other witnesses. They called him Chickamauga. I saw him shot. It was some time in the month of June. Captain Wirz was there at the time. I heard him make some remarks in broken language. I could not tell exactly what his language was. He was between the dead-line and the stockade. It was about the same time the man was shot.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a man shot who was lying in his tent near the dead-line. The sentinel who shot him fired at another man and missed him, and shot this man who was lying in his tent. I saw the sentinel when he shot. I immediately went to the tent where the man was lying and saw him lying there, and afterwards saw him die. I went directly to where the sentinel was and asked why he did not halt men before shooting, as there were a great many in camp who did not understand the meaning of the dead-line. He told me that Captain Wirz held out as an inducement to them a thirty days' furlough to every man who would shoot a Yankee. I said no more to him.

VACCINATION.

I saw cases of vaccination. I saw several hundred who had been vaccinated Large sores originated from the effects of poisonous matter. They were the size of my hand, and were on the outside of the arms, and also underneath in the arm-pits. I have seen holes eaten under the arms where I could put my fist in. These cases were in the stockade; they were not in the hospital. I never was in the hospital except for about two hours at one time. I went out to see my father, who was then in the hospital. I was vaccinated myself. I was at the south gate one morning when the operation was being performed. While I was standing there looking on, a surgeon came to me and requested me to roll up my sleeves, as he was going to perform the operation on me. I told him I could not consent to such an operation. He called for a file of guards, and I was taken to Captain Wirz's headquarters. Arriving there, one of the guards went in, and directly Captain Wirz came out of his office raging; he wanted to know where that "God-damned Yankee son of a bitch" was. I was pointed out to him as being the person. He drew his revolver and presented it within three inches of my face, and wanted to know why I refused to obey his orders. He did not state what orders. After his anger had subsided a little, I asked him to allow me to speak. He said, "God-damned quick, or I will blow your brains out." I told him, "Captain, you are aware that the matter with which I would be vaccinated is poisonous, and therefore I cannot consent to an operation which I know will prove fatal to my life." He flirted his revolver around and stated that it would serve me God-damned right, that the sooner I would die the sooner he would get rid of me. He ordered the guards to take me away and have a ball and chain put on me till I would consent to the operation. I was taken to where the chain-gang was, and a ball and chain were brought and riveted to my leg, and I was turned into the stockade to wear it until I would consent to the operation. I wore it for about two weeks, when I consented to submit to the operation. I had noticed upon several occasions that the surgeons were very careless in performing the operation; their instruments were dull, and they applied the matter in a very careless way, allowing the patients to go away as soon as they had put the matter in, and without bandaging the arms in any way. I

concluded that I could wash the matter out, and, with that calculation, I consented to the operation. As soon as it was performed I went immediately to the brook and took a piece of soap and rubbed the spot and wrung it, and thereby saved myself. The vaccine matter did not work in my system. I experienced no effects from it. Up to that time none had recovered from the effects of vaccination. After that I informed several others, who saved themselves in the same manner.

By the COURT:

I consider the matter with which the men were vaccinated to have been poisonous, judging from the effects it had on others. I saw some three hundred cases. I did not understand it to be any particular poison. They called it vaccine matter. I know nothing further than that.

Cross-examined by COUNSEL:

My father died outside the stockade, in the hospital. He had been outside about one month when he died. He died August 27, 1864.

SEPTEMBER 5, 1865.

J. NELSON CLARK, for the prosecution:

I was in the military service of the United States. I was taken prisoner. I was taken to Andersonville about the 28th of May, 1864.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was put in the stockade. I remained there all the time I was at Andersonville, except two or three times when I was out. I saw a great many men who were sick. They had a very debilitated appearance. Most of them were very poor and thin; a great many were cripples. Some of them were colored men—our soldiers. There were idiotic men.

Mr. BAKER objected to the line of examination, as most of the interrogations were leading questions.

The stockade was very much crowded. Of clean dry room we did not have more than enough to lie down on, with some small places between. There was not plenty of room for teams to drive in. In the morning a great many would be lying in the road, and they had to be wakened up by their sergeants in order that the teams might drive in. That was part of the time I was there. I have counted the number of dead in the stockade. The most I ever counted in one day was one hundred and eighty-four. It was in August—the 12th, I think. I assisted in carrying the sick to the sick-call. I did not succeed in getting them attendance.

Mr. BAKER objected to this line of examination on the ground that most of the questions were leading.

The COURT, after deliberation, sustained the objection.

I have seen soldiers become insane. One in particular wandered up and down the stream with his clothes off—the little stream of water that ran through the prison. When his meals were taken to him he had not sense enough to know that he should come out and cook them, and he remained most of the time in that water until he died. He was given clothes once or twice, but he refused to put them on. The sun was very hot and burnt his skin, and he became very thin. When I last saw him he was lying dead in the stream. I saw soldiers who had committed suicide. One morning, after I had got up, I saw a man who had hung himself about fifteen or twenty feet from my tent to a stake that was in the ground, used partly to hang our blankets on and other purposes. I suppose the man was insane. He had a wild staring appearance for a few days before, and said that he would sooner be dead than live there; he said that to

some of the men alongside of him. His companions had taken him down to the stream several times to wash him off; he was very filthy, lousy and dirty, as most of them were in there; even the cleanest had lice on them. I don't recollect how many men of my company went in there with me—forty-one, I think. Twenty-two died in southern prisons, most of them at Andersonville, some at Florence.

THE RATIONS.

The rations were corn-meal part of the time. The quantity would average two-thirds of a pint. It was very coarse and dirty, a great many hulls in it. It always had to be cleaned. We sometimes had beans and sometimes rice. We had about the same quantity of beans as corn-meal; when we did not get corn-meal we got beans. The sick got the same rations as the others. Our rations were stopped. The rations of the sick were stopped. The whole of the rations of the camp were stopped.

THE SUPPLY OF WOOD.

Fuel was very meagre; part of the time we did not get any wood at all. Fuel was so scarce that the men had to dig it out of the swamp. Sometimes the matter and stuff were two or three feet deep, and I have seen our soldiers digging roots out of this muck and washing them in the stream, so as to get fuel to cook their corn-meal or beans.

SHOOTING OF THE PRISONERS BY THE GUARDS.

I saw men shot by the guards. I saw six shot. The first case was about the 20th of June, 1864; it happened at the stream of water, not far from the stockade, close by the dead-line. The man was dipping for a cup of water. He got his arm and part of his head across the dead-line. I heard the guard cocking his gun, and immediately left. We knew very well that they would shoot us if we got over the line. I turned round afterward and saw that the man had been shot. I was about two yards from him and I saw the blood running from him. The crowd immediately rushed in. The next time that I saw him was the next morning, where they usually carried the men out, and I saw him there dead. I don't recollect his name, nor his company and regiment. The next case happened on the east side of the stockade, not far from where the old hospital was. The hospital was on the north side of the stockade, but had been removed a few days before we went in. A man got over the dead-line, the guard fired, missed the man he intended to shoot, and hit another who was lying in the tent. He was shot through the head; some said the man was lying in the tent asleep, and some said he was awake. I don't know his name. I don't know whether he died; he was reported dead. I only knew of two that died. A large crowd was down by the stream near by the dead-line; a man who was getting water was shot. In trying to get cleaner water he got too far over the dead-line. The man died. In the fourth case the man was doing something with the rations. I don't know the circumstances any more than that I saw the smoke and ran down in the crowd. I saw the man lying just across the dead-line, wounded. I could not get close to him because of the crowd. It was the last of July. They were hauling in rations, and it was usual for men to be over the dead-line sometimes, those that had permission. This man I believe had not permission, or the guard thought so. I don't know the circumstances any more than what I have heard. I don't know the man's name or regiment. The fifth case was in the first part of August. It happened near the south gate, where we generally carried the dead men. The man was doing something with his clothes; he had washed them I believe. He had come from the brook up

towards this gate to hang them out to dry. When I came up his clothes were lying by his side, and he was lying there bleeding. He was struck in some part of the body, through the breast I think. I was not within two yards of him on account of the crowd. I left as soon as I saw it, and did not pay much attention, because it was so common to see dead men round there. It was a common thing to see dead men who had been shot, lying round there. Every few days we could hear of a man being shot. The sixth instance of shooting happened near where our quarters were in the north corner of the stockade. It was the middle of August. I do not know the name of the man who was shot. He was hit in some part of the body. I don't know exactly; he was lying over the dead-line at the time I saw him. I don't know whether or not he got over after he was shot or not. I saw the gun fire, and ran as we generally did, and saw the man lying there after he was shot. I did not see Captain Wirz present at any of the times when men were shot. I never heard him give any orders about shooting men.

No cross-examination.

SEPTEMBER 5, 1865.

P. VINCENT HALLEY, for the prosecution:

I have been in the military service of the United States; in the seventy-second New York volunteers. I was taken prisoner. I was at Andersonville. I arrived there the first or second of March, 1864.

THE CHAIN-GANG.

I heard orders about putting prisoners in the stocks or the chain-gang. At one time when some prisoners who had escaped were taken to Captain Wirz's headquarters—I was there at the time—he ordered the men to be taken to the forge and irons put on their feet.

THREATS OF WIRZ.

I heard Captain Wirz threaten to shoot a man. I think it was in May. Captain Wirz was in the stockade, and one of the men did not fall in quick enough, and Captain Wirz drew his revolver and threatened to shoot any man who did not fall in when ordered; sometimes he used his right hand. I did not know at the time that anything was the matter with his right hand; he used his right hand as frequently as his left, so far as I saw. I have seen him use his left hand; he wore his revolver on the left side.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a man who had been shot; the first man I saw shot was, I think, on the 10th day of May; I am not certain; he was shot while getting some water in the stockade. The guard fired on him and shot him in the thigh, I think; I do not know the man's name; it was the 10th of May, I think; it was at the creek; I cannot say positively whether he died or not, I know that he was severely wounded; part of his body was over the dead-line; he was leaning over to get some cleaner water than was in the stockade; I saw one man in August who had been shot through the brain; he was carried to the hospital; I do not know his name; he was entered on the register "unknown dead." Captain Wirz was not present at the time I saw these men shot; I was once at Captain Wirz's headquarters when the guard were there; he told his guard that the first man who crossed the dead-line to shoot him down.

MEN BITTEN BY THE DOGS.

I knew Captain Wirz there; he took command of the prison about two weeks after I got there; I heard him give orders; I heard him one time send for the

keeper of the dogs to put them on the track of prisoners who had escaped; I saw prisoners who had been bitten by the dogs; there were two taken to the hospital; they had been recaptured and were brought in there; they had the marks of the dogs on their persons; both of them were bitten about the legs; one of them was bitten severely.

VACCINATION.

I saw cases of vaccination; I saw, I think, about 150 cases of vaccination, and in many of them after vaccination gangrene set in, and the sores were about three inches in diameter. They varied from an inch to four inches in diameter; in some instances men's arms had to be amputated from that cause; some of the cases of amputation recovered and some did not; I do not remember anything about the proportion of recoveries.

THE RATIONS.

I was at the depot at Andersonville two or three times in August, 1864; when we were sent to Savannah on the 7th of September, I was there; I saw storehouses at the depot; it was a large wooden building about eighty feet long, I think; I saw several boxes there and sacks of meal; there might have been a hundred or more sacks there; they were on the inside; I cannot state the number of boxes there were.

THE CHAIN-GANG.

Cross-examined by COUNSEL:

The ball and chain was put on the men for attempting to escape; I do not know how many times they attempted to escape; I think, though, it was the first time; they were brought in by the guards to Captain Wirz's headquarters; I heard the guards state while there that they had attempted to escape and had been recaptured, and Captain Wirz ordered them down to the blacksmith shop or forge to have the ball and chain put on their feet; the guard said they had brought them from where they had been recaptured; they had got out and were escaping; Captain Wirz used very profane language at that time; I think I have related everything I can remember except that.

SHOOTING OF PRISONERS BY THE GUARDS.

I think the man that was shot on the 10th of May was shot in the thigh; he was within the stockade when shot; I was there too; I saw him; he was down by the stream that ran through the stockade; a part of his body was over the dead-line; he was trying to get some water; it was on the south side, just where the stream crosses the dead-line. The boxes that the sentries stood in were steps going upon the stockade, and there was a platform about three feet lower than the top of the stockade, so that the sentry could look right over, and there were boards over his head to keep off the rays of the sun; the platform was on the outside of the stockade; when he stood straight up the top of the stockade didn't come above his waist. The sentinel from where he stood could see the dead-line; he could see from the base of the stockade to the other side; there was, perhaps, a distance of sixty feet between the outer and the inner stockade; the sentries were posted on the inner stockade, so that they could overlook the camp; the stockade was between them and the camp, but they could see over it; it was, I think, twenty feet from where the sentry stood to the dead-line; that was the distance from the dead-line to the stockade; it might have been from five to ten feet from the dead-line to where the sentry stood; the total distance was perhaps from twenty-five to thirty feet, taking the dead-line as twenty feet. In the second instance of shooting I did not see the man shot; I saw him

after he was shot, and when he was being carried to the hospital; all I know is that it was said he had been shot; this second man was shot in August, I think; I do not recollect the date; it might have been from the 14th to the 20th.

By the COURT:

At the time the first man was shot, the 10th of May, there was only one stockade; in the latter part of May or the beginning of June the outside stockade was built; the sentinels were on the inner stockade. On the top of the inner stockade there was a platform about three feet below the top of the stockade outside, and there were steps going up, and the sentinels stood on that platform; the platform was inside of the stockade; the heads of the guard and half of their body were above the stockade; that platform extended all around that stockade; there were about twenty-five or thirty posts, I think, at regular intervals, at certain distances apart.

VACCINATION.

By COUNSEL:

I saw persons vaccinated while at Andersonville. The surgeons belonging to the so-called confederate army vaccinated them. One of the surgeons was Dr. Pelot. I do not recollect the name of any others. I was inside the stockade until the 22d or 23d of May. I then went to the hospital when it was moved outside. I kept the register of the hospital. I was under no person's charge except the hospital steward. I remained under his charge until the 7th of September, 1864. I cannot state the number that died from vaccination. Other diseases such as diarrhœa and dysentery, were combined with the effects of vaccination, but vaccination was the principal cause of their death. Perhaps ten or twelve died from that cause. I cannot state positively that any person died purely from the effects of vaccination. There were from twenty to thirty cases, I think, in which vaccination was the principal cause of death. Many of those men who had been vaccinated had their arms amputated, and others had very large sores on their arms. Some of them had diarrhœa connected with this, and others died from the amputation of their arms. I never saw Captain Wirz vaccinate any one. I did not see him compel any one, but I think the surgeons were in some respects under his charge. I have no recollection of ever hearing the surgeons require or demand that the prisoners be drawn up in line so that they could be examined for vaccination. I was moved myself on the 7th of September, and there were about 600 besides me. They commenced moving prisoners on that day. I remember the date distinctly.

MEN BITTEN BY THE DOGS.

I do not know whether those who were bitten by the dogs died or not. They were taken to the hospital. I saw them two or three times afterwards; they were in the tent very sick, but I left them there on the 7th of September before they died.

SEPTEMBER 5, 1865.

EDWARD S. KELLOGG, for the prosecution:

I was in the military service of the United States. I was in the 20th New York regiment. I was captured. I was taken to Belle Island. From thence I was taken to Andersonville. I arrived there the 1st of March, 1864. E. Winder was then in command, I believe. I saw the prisoner there. I think he took command in April, but I will not be sure.

SHOOTING OF PRISONERS BY WIRZ'S ORDER.

I saw the cripple they called "Chickamauga" shot; he was shot at the south gate. He was in the habit of going off, I believe, to the outside of the gate to

talk to the officers and the guard, and he wanted to go off this day for something or other. I believe that he was afraid of some of our own men. He went inside the dead-line and asked to be let out. They refused to let him out, and he refused to go outside the dead-line. Captain Wirz came in on his horse and told the man to go outside the dead-line, and went off. After Captain Wirz rode out of the gate the man went inside the dead-line, and Captain Wirz ordered the guard to shoot him, and he shot him. The man had lost his right leg, I believe, just above the knee. They called him "Chickamauga." I think he belonged to the western army and was captured at Chickamauga. I think that was in May. I will not be certain as to the time.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw other men shot while I was there. I do not know their names. They were federal prisoners. The first man I saw shot was shortly after the dead-line was established. I think it was in May. He was shot near the brook, on the east side of the stockade. At that time there was no railing; there was simply posts stuck along where they were going to put the dead-line, and this man, in crossing, simply stepped inside one of the posts, and the sentry shot him. He failed to kill him, but wounded him. I don't know his name. I saw a man shot at the brook; he had just come in. He belonged to some regiment in Grant's army. I think this was about the 1st of July or the latter part of June. He had just come in and knew nothing about the dead-line. There was no railing across the brook, and nothing to show that there was any such thing as a dead-line there. He came into the stockade, and after he had been shown his place where he was to sleep he went along to the brook to get some water. It was very dark, and a number of men were there, and he went above the rest so as to get better water. He went beyond the dead-line, and two men fired at him and both hit him. He was killed and fell right into the brook. I do not know the man's name. I saw other men shot. I do not know exactly how many. I saw several. It was a common occurrence.

THE DOGS.

I never saw any men there who had been bitten by dogs. I have seen dogs on the trail, and have seen them in the house where they kept them.

THE SUPPLIES FROM THE NORTH.

I saw sanitary stores there. While I was in the hospital I saw some blankets and some pants and shirts; I think very few. They were issued to the men in the hospital—our own men. I saw them on other men than our own men. I saw a pair of pants on a rebel at one time; his name was Dance.

MEN BUCKED BY WIRZ'S ORDERS.

I was in the hospital. I went into the hospital August 6, 1864, and remained there until February 1, 1865. I was bucked six hours at one time while there. There was a man escaped from my ward. I was steward of the 17th ward, and I failed to report the man who escaped. Sergeant Smith came round and called me outside the gate and said that Captain Wirz had ordered him to buck me till dark. This was about nine o'clock in the morning. He proceeded to buck me, and I was left there till 3 o'clock in the afternoon. There was another man bucked with me; his name was William S. Wood, belonging to the 120th, and master of the ward. He was bucked by Captain Wirz's order.

Cross-examined by COUNSEL:

When they bucked me they took a string and tied my wrists together in the first place; they sat me down on the ground next, put my hands over my knees

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and put a stick over my arms and under my legs, my hands being tied together. I never saw a man bucked in our army, and I have been in the service four years. I have heard of it. I had no squad. I was steward of the 17th ward in the hospital. The time I was bucked one man got away. Several others got away afterwards. They failed to escape, and were brought back. I did not consider it my duty to report them, but it was the rule. I did not comply with the rule, and for non-compliance I was punished. There were very few in the hospital that were able to run away. I don't know whether there were any.

SHOOTING OF PRISONERS BY WIRZ'S ORDERS.

I was by the gate when Captain Wirz ordered the man to be shot. Captain Wirz rode outside. I told you he gave the order inside.

SHOOTING OF PRISONERS BY THE GUARDS.

The man on the sentry box north of the brook and the man on the sentry box south of the brook shot the man who was getting water. I do not know where Captain Wirz was when this occurred. I never saw Captain Wirz shoot any one. I never saw him commit any personal act of violence.

THE SUPPLIES FROM THE NORTH.

The man's name was Dance, whom I saw wearing the sanitary pants. He was a hospital steward. I do not know of any one else wearing anything belonging to our soldiers there. That is the only instance I recollect. I do not know how he came by these pants.

ACHUFF'S ESCAPE, RECAPTURED BY THE DOGS AND PUNISHMENT.

SEPTEMBER 5, 1865.

JOSEPH R. ACHUFF, for the prosecution:

I have been in the military service of the United States three years and nine months. I was a prisoner at Andersonville about six months. I was taken there on the 28th of March, 1864, and kept there until about the middle of August, 1864. I was taken from Andersonville to Charleston, South Carolina, in August, 1864. I attempted to make my escape while at Andersonville. I was recaptured by the hounds. Three of us got one rebel to take us out for wood. We gave him twelve brass buttons to take us out. When we got out about a quarter of a mile from the stockade I jumped on his back and the other boys took his gun from him, and off we went. We went to the Flint river, and crossed it five times, and then rowed down the river a piece. We did not know the hounds were after us until we heard them yell. Then we scattered. I ran into the swamp. The first thing I noticed there were five hounds upon me; seven rebels, armed, came up on horseback. They were in sight at the time the hounds came on. They never took off the hounds for about fifteen minutes, and I had to fight the hounds with my fist. I had not even a club, or a chance of getting one. I had no clothes on but a pair of pants made out of two rebel meal sacks. I was bare-headed and bare-footed. I fought the hounds with my fists about fifteen minutes. They tried to catch me by the throat, but I kept them off. They caught me by the legs, and I carry the marks there to-day. One of the men on horseback blew a horn, which called the hounds off, and I was marched back afoot. I was taken to Captain Wirz. He ordered me into the stocks. I was put into the stocks with my head fastened by a board, and my arms stretched out. They pretended to have us in the shade, but I was kept in the hot broiling sun. For thirty-six hours I had nothing to eat, and but two drinks of water out of that dirty creek. When I appealed to Captain Wirz

about it he told me to dry up, or he would blow my damned brains out, that I deserved to be hung. After I was taken out of the stocks, I was ironed. I had shackles fastened around each leg, an iron ring, and a bar of iron between my legs. This kept my legs separated about eighteen inches, so that I had to shuffle along. There was nothing done to cure my legs. Scurvy fell into the wounds, but still I was kept in irons. After being ironed I was put back into the stockade, and then I got something to eat such as it was. I was kept in irons thirty-two days. Captain Wirz saw me during that time. It was done by his order. They pretended that the rebel doctor had ordered them off. A rebel sergeant came in with an axe and chisel, and cut the irons off on an old black stump where I was lying. I don't believe that the rebel doctor gave any such order. They were afraid of Sherman at that time, and had the white flag up in the camp. That was in June, 1864, when I got away. It was July when they put me in irons.

WIRZ BEATS A PRISONER WITH HIS REVOLVER, CAUSING HIS DEATH.

At the time Stoneman's men were captured and brought there I was at Captain Wirz's headquarters and saw Captain Wirz stripping and searching the men. One of them, a Michigan man, said something to him, and Captain Wirz struck him on the head with a revolver. The man was about seventeen or eighteen years old. He took fits and died in three or four days afterwards. That young soldier died about three or four days after the squadron came there. It was in July. About three or four days afterwards that man died. He was laid near the south gate of the stockade, near where the colored prisoners were. I believe he died from the effects of the wounds inflicted by Captain Wirz. He took fits right away. He had fits on the ground after he was struck. He had three or four fits. Every day I would crawl up to him and pound him on the feet to relieve him. The boy died. The wound was on the top of the head with a revolver, a big revolver; Captain Wirz carried it at his left side, with a fair-leather holster and fair-leather belt. He had the pistol always out. He went with it in his hand all the time.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

Captain Wirz even took buttons from Stoneman's men, saying that he had seen such things as putting money in buttons. Captain Wirz took clothing, money, and everything the soldiers had from them at the time. Some of them had blankets and they were taken from them. He sent them into the stockade with nothing on them but undershirt and drawers. He said they were nothing but a pack of damned raiders and that they ought all to be hung. These were Stoneman's cavalry.

ACTS OF CRUELTY COMMITTED BY WIRZ.

The first night that we went into the stockade, the 28th of March, was a very dark, rainy night. I saw Captain Wirz (I did not then know who he was) kicking a poor mere skeleton and cursing him. I was not the only one who saw him do that. I can name four officers who saw him do it. He knocked him over and kicked him. I do not know whether the man died or not. The officers I refer to were Lieutenant Colonel Dickinson, tenth Michigan infantry, the adjutant of the nineteenth United States infantry, the surgeon of the seventy-fifth Illinois infantry, and Lieutenant Oates, third Ohio cavalry. I saw him order men who were in a dangerous condition of health back; shove them back and kick them at times.

STOPPAGE OF RATIONS.

I heard Captain Wirz at one time threaten a starving man who was in our "ninety." We were all pretty able men, as he had not been long in prison, and we stood in line pretty well. That seemed to please him Some of the others on the north side of the stockade were not able to stand in line. Captain Wirz turned to us and said he would not give them fellows anything to eat for forty-eight hours; and he did not give them anything to eat for forty-eight hours. Captain Wirz cut off the rations of prisoners at another time. Rations were cut off three or four or five times. Once we had not a mouthful for three days. That was because some one had escaped from the stockade and he could not find out who. He cut off the rations of the whole stockade, when there were, I think, thirty-five thousand of us.

PRISONERS SHOT BY WIRZ'S ORDERS.

I saw this man killed whom they called Chickamauga. I heard Captain Wirz give orders to shoot him. It was in the latter part of May, 1864. He was a silly man, who belonged to company G, eighty-fourth Illinois, third division, fourth corps. We used to call him "Mutton head." He was a kind of idiot. The boys got to plaguing him. He went to Captain Wirz and wanted him to take him out of the stockade. He was a cripple. They had taken his leg off in rebeldom. Captain Wirz cursed him and told him to go off or he would blow his damned brains out. He then told the guard if the man crossed the line again to blow his damned brains out. As Captain Wirz went out the man again crossed the dead-line and began to "blow" and halloo. I heard Captain Wirz call out to the guard to shoot him. The guard fired and killed the man. The ball struck him in the jaw, passed through the body and came out the left shoulder blade. He was carried to the hospital, which was then inside the stockade, but before reaching there he died. I saw Captain Wirz after he gave the order to the guard at the rebel sentry box with the guard who had fired. There was a crowd collected to see the man, and Captain Wirz told them if they would not go back that he would fire a whole volley into them. Captain Wirz laid out the dead-line. I saw him laying it out. I saw him around with the men who were putting it up. That was in the latter part of April, 1864. I heard him give orders that if any one crossed it he would be shot. One day about the middle of July they were carrying out the sick to the south gate. There was one small gate opened, a kind of little wicket, through which they took the sick men one at a time. There was a great crowd there. There were no less than two thousand sick men and those who were trying to carry them out. There were two guards at the time inside the stockade. Captain Wirz gave orders that if any one stepped there the guard should blow him through. The guard said that he could not keep them back. The captain hallooed out to shoot them if they did not stand back. The sentinel had his musket pointed against a man's stomach and he fired and killed a man from Pennsylvania. That happened about the middle of July. It happened right after the order given by Captain Wirz. The man was not trying to escape. He was a sergeant trying to get a sick man to the gate. I recognized Captain Wirz. He had on a black uniform—a citizen's coat with the skirt cut off, making a jacket of it, and a navy cap with a glazed cover on it. I heard his voice, and I would know it anywhere.

TREATMENT OF THE SICK.

The doctor did not come every day, and they carried men out to the gate and back. There was a man in my tent by the name of Hicks; he belonged to the 75th Illinois regiment. He was very sick. Four men carried him out in a

blanket. I was going out to the doctor to see if I could get anything for him, for the scurvy. The doctor said that there was nothing the matter with him, and that he was not fit to go to the hospital. Captain Wirz ordered him to be brought back as fast as he could be. Before he got inside the wide gate, he looked up and said, "good bye, boys," and that was the last I saw of him; he was a dead man. The men were left until they were almost dead, so that it was never thought they could get well; then they were taken to the hospital. The diseases were principally scurvy and diarrhœa. It was customary there among us to bid every man who was sent to the hospital, good bye. Whenever a man went to the hospital, we knew he would never come back. We knew he was a dead man. I bid one man farewell. That young man, George White, lived in Germantown, Pennsylvania, and belonged to the marine corps. He was a young boy with whom I was brought up. He started off to hospital. I said to him, "good bye, George," and he told me if I lived to get out of that place, to tell his mother that he was not afraid to die, that he was ready to die. A few days afterwards I was going up to Captain Wirz's headquarters, and passing the dead-house, I saw George there, and at the same time Captain Wirz with two sentinels. I asked Captain Wirz if I could not take a lock of his hair. Captain Wirz spoke up and said, "no." I insisted upon it, and he told me if I went there he would blow my damned brains out. George White was then in the dead-house, dead. Captain Wirz finally prevented me. That was the morning of the 21st of June, 1864. Captain Wirz would make all the sick men come out and stand up. He said if they were not all there he would stop their rations. Some of the sergeants wanted to show him the men in their quarters where they lay, but he would have them brought out. Sometimes they were from six to eight hours in the hot sun. The men would sometimes lay these sick men down, and when they would see Captain Wirz coming out they would raise them up quickly.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen several cases of shooting men on the dead-line. I saw one case of shooting. There were something like 250 or 300 men in the creek bathing one day in July. I do not recollect the date. I saw one sentry in his box—the second box on the left of the south gate—a little tallow-faced fellow. He was standing there, and he turned around and nodded his head at a southern woman who was standing outside. She nodded in return. I was standing on the rise at the bottom of the swamp and saw this. The next thing I knew I saw this rebel put up his gun and fire into the party of men bathing. He shot one man through the head. With that she began to jump and dance and wave her handkerchief. They took the sentinel from his post, and what they did with him I don't know. I heard that the sentries got furloughs for shooting Yankees. I heard that from some of the 5th Georgia, the new issue as they called themselves. I noticed that the sentries were taken right down from their posts after they had fired upon men on the dead-line. They never appeared to be arrested. The officer would go up there and look over the dead-line to see what was the effect of the shot. Another sentinel would come up with him and would be left there, and the one who fired would be taken off. It did not look like an arrest. The man who was shot while bathing was fully five feet from the dead-line in the creek bathing. There were about 250 of them there. I saw one crazy man shot inside the dead-line. He was perfectly naked. We told the sentinel that he was a crazy man, but he fired and killed him. That sentry was relieved right away. His post was on the left side of the stockade, right by the creek. This man would get down anywhere, sometimes in the dead-line, and would roll about perfectly crazy. That is another July instance. It happened in July, 1864. I did not know his name. There were very few men in the

stockade whose names I knew. I cannot tell how many men I know of having been killed at the dead line. They were killing them all the time and carrying them out. It was an every-day occurrence in different parts of the stockade. Men were killed there whom I did not see shot. They were cracking at them there day and night.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Parties going into the stockade with each other would become separated and lose sight of each other. We would go in there, and when the "nineties" would not be full the men would be scattered among them to fill up these "nineties." That is the way we came not to know, half the time, where our comrades were. They would be carried off to the hospital or carried off somewhere else and we would never see them again. The stockade was the filthiest place that could be imagined. The filth was fully six inches deep. When I went in there it was in the night and was raining. The men were sitting around fires that were no bigger than a spittoon. Maybe there would be a dozen men crouching over such a fire. We thought they were all negroes. They were half naked, with no shelter and with nothing to eat. Some of the men were lying out doors and some were lying in shelter tents on the ground. If they had a blanket they were fortunate; if not, they lay on the ground without any. The water that ran through that stockade a horse would not drink. It was the filthiest stuff, with grease upon it. I complained to Captain Wirz and asked him if he could not stop the grease from the cook-house from being allowed to flow in there. He said it was good enough for me. I made that complaint about the latter part of June. I am not sure about the month. I made another complaint to him. He had been away two or three weeks sick. The first time I saw him after he came back he was riding on a gray horse inside the stockade, in a white suit. I went to him and asked him if I could not get a piece of soap. I said we were getting most outlandishly dirty, and that I would rather have my rations stopped than not to be able to keep myself clean. He said we did not deserve any soap, and that was all the satisfaction I could get out of him. I was not sergeant of our ninety. Our sergeant was Sergeant Hope, of the ninety-eighth Illinois.

VACCINATION.

I knew a good many more than half a dozen who lost the use of their arm or lost their lives from vaccination. Some of the men got the small-pox. I believe there were some dozen cases. These men were carried out to the small-pox hospital. After that a fellow came around with vaccine matter, and every man who was vaccinated there lost the use of his arm or lost his life.

ACHUFF'S ESCAPE, RECAPTURE BY THE DOGS, AND PUNISHMENT.

Cross-examined by COUNSEL:

I was in the stockade about six months. I was never in the hospital. I was in there about two months before I broke out. I broke out in May. I did not "break out;" I walked out with the rebel guard, and ran off. One rebel soldier went out with me. He had his Enfield rifle with him. Two other prisoners went out with me. We had got about a quarter of a mile from the stockade before we overpowered the guard. It was right in sight of the stockade. I told him I wanted to go out for wood. That is what he supposed we were going for; that is what we did go for. We didn't hurt the guard, we choked him. We did not take him along with us. We let him go and he ran back to the stockade as fast as he could. As soon as we got his gun from him we let him

go. He ran back to the stockade hallooing "murder." There was no river to throw him in. The creek would not hurt him. We made no such proposition as to throw him in the river; nothing more than to disarm him and let him go. My comrades did not propose to throw him into the creek. I did not propose to throw him off the bridge. Neither of us did. He did not go with us after we overpowered him and took his gun away from him. I guess we had gone about one hundred miles from there before we heard any hounds. These were the hounds that belonged to the jail. They belonged to Ben. Harris. I saw these hounds before that. They were the same hounds that were used around the stockade. I know that to be so. Seven rebels on horseback were with the hounds. They told me one was Ben. Harris. I do not know whether it was or not. They came close enough to take hold of me. I did not know any of them. I do not know whether they were rebel soldiers or not. There were no two of them dressed alike. They were armed. One of them had a sporting rifle and the rest had pistols. I never saw any horses used there except by the field officers, and I would not know them if I saw them again. I do not know whether these were the horses used by the officers or not. I never saw these men before or after that. Captain Wirz was not along with them. Iron shackles were put around my akles, and an iron bar between my legs. I saw our soldiers put in irons at Atlanta, Georgia. They were the same kind of irons used at Andersonville. I never saw soldiers in the Union service with irons on; I never heard of it.

By the COURT:

I do not know how far Flint river is from Andersonville. I took across about ten miles from the east corner to the Flint river. I struck the Flint river about ten miles off. I took a good while to get there. We travelled to the east through the woods. We crossed the river so often to keep the hounds from tracking us. We thought we could evade the hounds in that way. We rowed down a bit in an old flat boat, of which we broke the lock with a rock. We rowed down the river in this boat and then let the boat go. We did not know what points we were at, and we kept going backward and forward to try and distract the hounds. I do not mean to say that the hounds were on both sides of the river. We did not know what side of the river they were on, and that was what kept us at that work. I had nothing on but a pair of pants made out of two rebel meal sacks, which I stole out of a rebel commissary store. I had on mighty little at first. I had a pair of pants and blouse, but they were worn out.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

By COUNSEL:

I saw men stripped right by Captain Wirz's headquarters. I do not know where the surgeon's headquarters were. It was at Captain Wirz's headquarters; it was not near the depot. I never saw any men searched up at the depot.

By the COURT:

I never heard Captain Wirz give any orders to take watches from our prisoners, but I saw him do it when Stoneman's cavalry came in. I saw him "go through" the prisoners and rob them himself, at his headquarters, taking from them money and everything else they had.

By COUNSEL:

I have seen him putting something in his pockets; I do not know what it was; I cannot designate anything which I know he took. I saw him come out with a whole handful of buttons.

By the COURT:

I saw articles of clothing taken from Stoneman's men. I saw hats and pants and jackets and boots taken from them. I heard Captain Wirz order them to be taken off. I saw Captain Wirz take them, and saw the guards haul them off. They never were returned to them while I was there. I was stripped in the same way, but not by him.

By COUNSEL:

The first thing that was taken from me was by General Wheeler. He took my pocket-book. It contained thirty-five cents and three United States postage stamps. The next thing taken from me was by Major General Hindman at Dalton, Georgia. He took my hat off my head, a Burnside hat, and put it on his own. There they stripped me of boots and everything else. I never was on parole at Andersonville. I was not outside at liberty. They wanted me to go out on parole, but I would not.

SHOOTING OF PRISONERS BY THE GUARDS.

The dead-line was laid out in the latter part of April, 1864. Captain Wirz laid it out. I don't know who was with him. I don't know how many were with him; I should think about half a dozen. I did not see any officers with him. I did not see any officer going round to inspect it before that. I do not know what was done with the sentinels who were removed from their posts after shooting men. I only know they were taken off; all the reason I heard was that they got a furlough. I do not know anything about the rule. I only know that when a sentinel shot a man he was taken off his post. I heard they got a furlough. That was all the reason I ever heard.

SEPTEMBER 5, 1865.

DANIEL W. BUSSINGER, for the prosecution:

I have been in the military service of the United States. I was in the tenth Pennsylvania reserves. I was captured on the 21st of May, 1864, at Spottsylvania Court House. I was taken to Libby prison, and from there to Andersonville, Georgia. I arrived at Andersonville on the 7th of June 1864.

THE ORDERS TO THE GUARDS.

Captain Wirz was in command of the prison when I went there. The weather was very warm when I got there. We were counted off in front of Captain Wirz's headquarters. It was very warm weather and we were forced to stand out for four hours while the sergeant called the roll and took our names. Some of the boys were sun-struck and fell down and we volunteered to carry them into the shade. Captain Wirz gave orders to the guards that if any man stepped out of the ranks he was to be shot; at the same time we were in want of water, but they would not give us any. I asked some from one of the guards, and Captain Wirz gave orders to the guards that any man who asked for water would be shot. He said they were damned Yankees and did not need any water. When the men fell down there and fainted, Captain Wirz said that if it lay in his power he would make the victory complete; that the men who fell down there and fainted deserved to die there.

SHOOTING OF PRISONERS BY THE GUARDS.

I heard shots fired into the stockade very frequently. I have heard shots fired over the stockade by men outside of the guards, I suppose. They were not fired at any person, but were fired over the stockade. I never heard Captain Wirz give any orders as to firing into the stockade. I have seen men shot there.

In the early part of July one man was shot down there at the run. That was the first case. In the middle of July a man was shot belonging to the 118th Pennsylvania volunteers. I am not able to give his name. I saw him shot. He was shot at the run getting water. He was killed. Captain Wirz was not present. The man was not on the dead-line: he was getting water. The water that came into the stockade was very greasy, and the man wanted to get the best water he could, and in doing so he approached too near to the dead-line and was shot. That was the first instance I saw. The man was carried to the south gate after he was shot. He remained there about two hours and was then carried off to the dead-house. The prisoner was at the stockade while the man lay there. I did not hear him say anything. I saw a man shot on the 18th of July, in the northeast part of the stockade. I do not know his name. He belonged to the 118th Pennsylvania. He was shot through the hip; he was lying in his tent at night when he was shot. He was carried out next morning to the doctors, and I saw him lying there waiting for his turn to be carried out. He was not dead. I am not able to state whether he died or not. I did not see Captain Wirz there. I saw another man shot by the dead-line. I cannot say at what time. The prisoner was not present. Captain Wirz was present when the first one was brought up to the south gate to be carried out. I did not hear him make any remarks.

STOPPAGE OF RATIONS.

Our rations were stopped from the third to the fifth of July. I have seen the rations of sick men stopped. When the men began to go out there were some few who were not able to follow the detachment. They were ordered over to the barracks at the north part of the stockade. Some of them walked too fast. Captain Wirz was there and ordered them back and had their rations stopped. I had charge of two or three of these sick men who were taken to the barracks, and I had to feed them out of what little rations I had for two or three days. These sick men did not get well. One of them was Hugh Lynch of Philadelphia; he belonged to the third Pennsylvania cavalry. Another was William Cuyger of the same regiment. I am not able to state how soon they died after their rations were stopped. I have no doubt they died from the effect of having their rations stopped. It was nearer a week than two weeks afterwards that they died. Another was called William Waterhouse. He belonged to the same regiment, the third Pennsylvania cavalry.

SUFFERINGS FROM HUNGER.

The men were very emaciated. I have seen them searching for food that passed through men, not digested, down in the sink and in the marsh. I have seen them searching in the filth that was thrown away; they would pick up anything dropped from the wagon that brought the rations, bits of corn bread, or any scraps thrown from the raiders' tents; anything in the way to be eaten was picked up by such men. I have seen them eat this undigested food. They would wash it and eat it.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

I was outside the stockade no more than to carry out dead men. I saw vegetables about there in the stockade and outside; I saw almost everything that is to be had in the northern market. I saw melons, potatoes, onions, beans, green peas, peaches, and apples. The sutler of the camp used to bring them in, and the men used to purchase from him unless they could barter with one of the rebel sergeants who called the roll. I do not know the sutler; I never became acquainted with him; I am not able to state whether he was a Union man or not.

TREATMENT OF THE DEAD.

Two men were buried inside the stockade after the men began to go away. There was one dead man who lay in the barracks about four days. He became putrid and was not carried out. Whose fault it was I do not know. He was buried there.

Another man was buried there very near the raiders' tent; I saw his grave. I am not able to state why these men were buried inside the stockade. I suppose the one who died up at the barracks would have been carried out if the men had not gone away. That was the only way we could get wood, and when the men began to go out the wood became plenty. The man was not in a condition to be carried out when he was buried; his body was decayed. I mean by the raiders' tent, the tent of the desperadoes who infested the camp there, plundering their comrades of rations, or anything else they could find. They were some of the men who were afterwards hanged. There was an organized band of them of about five hundred.

THE ORDERS TO THE GUARD.

Cross-examined by COUNSEL:

I saw Captain Wirz inside the stockade every day. He came sometimes with the quartermaster looking after tunnels. That was the general vocation of him and the quartermaster. Tunnelling occurred every day; it was principally done by our own men. These ugly fellows did not have much to do with it. They got on always very well in the stockade, and did not want to get out. I first went into the stockade on the 7th of June, 1864. I never was on duty outside the stockade. I never had a parole. Captain Wirz kept me without water. Captain Wirz never used any personal violence toward me. I heard Captain Wirz give the order to shoot men if they would not stand up. Nobody was shot by reason of that order. The order did hurt somebody, for the men lay there in the hot sun, and if he had not given that order, we should have volunteered to carry them out into the shade. After giving that order we did not dare to move. I was deprived of water for four hours. We had none since we left Augusta He had it on hand; I saw it there. He gave it to his own guards, but did not give us any.

THREATS OF WIRZ.

SEPTEMBER 5, 1865.

HORATIO B. TERRELL, for the prosecution:

I was in the United States service; in the 72d Ohio infantry. I was taken prisoner on the 12th of June, 1864, and was taken to Andersonville on the 19th of June, 1864. I have often heard the prisoner use violent language to prisoners when they were being counted off. He said that if more than four damned Yankees got into a rank, he would make four out of them very quick. I remember that he came into the stockade one day during the winter and one of the men showed him his rations of corn bread, and asked him politely if he could not give us a little more. Captain Wirz turned around, drew his pistol and said "God damn you, I will give you bullets for bread." I do not recollect in what hand he held his pistol. I presume he held it in his right hand from the fact that if he used his left hand, I should have remembered it distinctly.

STOPPAGE OF RATIONS.

Our rations were stopped about ten or twelve days altogether when I was at Andersonville. Not continuously. They were stopped about the 4th of July, I think for two days.

CONDITION OF THE PRISONERS IN THE STOCKADE.

There was very little accommodation in camp as to sinks. There was not accommodation for more than a twentieth of the men at the sinks. A great many of the men were sick and weak, and could not walk so far as to get to the sink. It was fully a quarter of a mile from some parts of the camp, and they used the swamp instead, so that it soon became covered for a foot deep or more with human excrement. A good many sick men were not able to go to the swamp, and had their comrades dig holes for them by the side of their tents. In this way a good deal of the ground along the edges of the tents was soon perforated with these holes. This made it unhealthy and spoiled the water to some extent which was in our wells. The whole ground in the swamp was perfectly poisonous from the filth and urine that had accumulated there, and any prisoner having the least scratch on his foot and going there, would get it poisoned, so that his foot would swell up and would gangrene in a short time. Frequently they lost their limbs and sometimes their lives.

TREATMENT OF THE DEAD.

The dead-house was at the hospital during the first part of the time I was there. I carried out two men at different times and brought in wood on my return. But soon afterwards it was changed and put nearer the stockade, so that we only had to take the dead just outside the south gate, and that cut off the supply of wood. I counted forty-six corpses one day in the dead-house at the hospital. After they moved the dead-house nearer the stockade I saw what I should judge to be from seventy-five to one hundred dead men lying there in the sun. I have seen them carried away in wagons. We could see them plainly from the interior of the stockade when they took them away. About every day they would take them away. One man would go to the heels of a corpse and the other to the head, and they would swing him into the wagon. They would pile them in just like dead hogs from the slaughter houses. I suppose there were eighteen or twenty to a load.

THE PRISON RULES.

Q. Have you ever heard Captain Wirz read any rules for shooting men? and if so, state what they were.

Objected to by counsel for the accused, unless the rules themselves were produced.

Q. Do you know where the rules are?

A. I do not.

The ASSISTANT JUDGE ADVOCATE. I call upon the prisoner to produce them.

Mr. BAKER. We call upon the government, that has all the papers, to produce them.

The ASSISTANT JUDGE ADVOCATE. We have searched for the rules, but cannot find them.

The court overruled the objection, and decided that evidence of the contents of the rules should be given.

WITNESS. When we came to Andersonville the second time, about the 21st of December, 1864, and when we were being arranged into detachments, or after we were arranged, Captain Wirz came to each detachment and read the rules which he had adopted for the government of us as prisoners of war. The rules stated that we would be shot if we entered into the dead-line, and that any prisoner speaking to the guard would be shot by the guard without halting. He went on to explain that a little. He said that if any of the Yankees traded with the guards and if the guards took their money and did not give them any-

thing for it, and if afterwards the Yankee came to him to complain, he should punish the Yankee and say "bully" to the guard. He also stated in the rules that if we committed any mischief, such as taking up boards or disturbed anything, our rations would be cut off until the perpetrators were found and punished.

PRECEDENCE IN EXCHANGE TO THOSE WHO PAY FOR IT.

I never saw any articles of value taken from the prisoners at Andersonville. I know of money being taken by the guards for permitting prisoners to go out. There was money taken about the middle of March, 1865, when an exchange apparently was agreed upon. The rebel sergeants came in, and Selman, the rebel sutler, and Mr. Barr, the rebel quartermaster, and they told the boys that if they would give so much money, they should be the first to go out, and those who gave money were the first men who were taken out for exchange. Some that I know of paid twenty dollars and some paid less. These persons were under Captain Wirz's command. They were in every day to call the roll. These propositions were tolerable open. They did not stand up and proclaim it, but they went to a good many who they supposed had money and told them of it. I know of men who gave money, and I know of men who gave a lot of brass buttons to get out. I do not know of the prisoner having received any for that purpose.

Cross-examined by COUNSEL:

I do not know that Captain Wirz came in there and forbade anybody giving money to get out. I do not know of his coming in there and blaming those who were paying money. I never heard such a thing, and I was on the look-out for it. I don't think he was in there during those three days at all.

By the COURT:

This money was taken from the 15th to the 25th of last March, continuously for seven days. Several train loads of prisoners were taken out.

REFUSAL TO EXCHANGE PRISONERS.

When I speak of being there the second time, I mean that I went from Andersonville in the fall. I went to Sherman's lines to be exchanged and was refused. I went to Savannah and to Millen, from Millen to Savannah again, and to Blackshire and Thomasville, and then marched sixty miles afoot to Albany and then to Andersonville again, arriving there about three days before Christmas. I was exchanged finally, reaching our lines on the 1st day of April. The reason assigned by the officers there for refusing to exchange us at first was that we had not been captured around Atlanta. They were exchange officers. It was a special exchange of 2,000 men, and although we belonged to Sherman's army, we had been captured in Mississippi, and 101 of us, I think, were sent back to the rebels again. That was at Rough and Ready, near Atlanta. That was on the 19th of September, 1864, I believe. We left Andersonville on the 17th. We were sent back because we did not come under the terms of the special exchange agreed upon between General Sherman and General Hood. We understood it was the ruling of General Sherman himself. The exchange officer first told us that we would have to send word to General Sherman about our case, and in about two or three hours word came that we could not be received, and we understood that it was from General Sherman himself. I do not know, only as we heard from the authorities there. We thought very hard about being taken back again.

SEPTEMBER 5, 1865.

ROBERT MERTON, for the prosecution:

I was in the military service of the United States, in the 97th Pennsylvania regiment. I was taken prisoner. I was first taken to Petersburg and then to Andersonville. I went to Andersonville on the 16th of May, 1864.

SUPPLIES FROM THE NORTH.

I was twice at the depot there. I saw a storehouse there about 150 feet long and 40 feet wide. I was never in it. I looked in. I saw sacks and bags. It was about half full of sacks, and there was a small quantity of boxes at one end of it. I have seen sanitary clothing on paroled men outside. I never saw any on anybody else. I saw shirts worn by others than our own men. I believe I saw shirts worn by Captain Wirz. They were white linen shirts. They were marked "Sanitary Commission." I know of boxes being received from the north by prisoners. I received one myself. A piece of smoked beef and a tin of butter was in it. About a pound and a half of butter and two pounds and a half of smoked beef. There was clothing and two letters sent in that box, but I never received them. I learned its contents from a letter which I received previous, in which ten dollars was sent, but I never received the ten dollars. I received the letter, but it was open when I received it.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

Forty dollars and a watch was taken from a prisoner. It was taken from Robert Merton. Some was taken from Alexander Forbes, company B, ninety-seventh Pennsylvania. This was at Petersburg. The money and watches were forwarded in a box which were delivered to Captain Wirz. The box contained money and jewelry belonging to prisoners and which were taken with us. Thirty-nine prisoners had articles in that box. Two of them received watches in Andersonville. Nothing else was given back to them that I know of.

MEN BITTEN BY THE DOGS.

I saw hounds at Andersonville. I saw one man who was torn on the leg by them. He was taken out of the stockade and I never saw him afterwards. He was removed to the hospital.

THE CHAIN-GANG AND STOCKS.

I saw thirteen men in the chain-gang outside the stockade. I saw them two or three times. I saw men in the stocks and the chain-gang frequently. I never saw the stocks empty.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

One man who was whipped was a soldier belonging to the eighth United States colored troops. He was a colored man named Hawkins. He was ordered by Wirz to receive five hundred lashes. The sergeant miscounted and he received two hundred and fifty. Since that he has returned to his regiment. That was outside the stockade. He was whipped for carrying onions to the hospital; to the sick men in the hospital, I believe. Wirz gave the order for the application of five hundred lashes. I believe he was not present when they were given. A man named Turner, who used to run the hounds, was I believe, the man who whipped him.

CRUELTIES COMMITTED BY WIRZ.

I saw a boy kicked by Captain Wirz. He was kicked while out on the sick list by Captain Wirz for not getting out of the way in time. He was carried back to his detachment and the next morning he was taken out. I don't know what became of him afterwards. It was rumored in camp that he died. That was in the month of July. I don't know what the boy's name was. I don't know what regiment he belonged to.

A COLORED MAN SHOT BY WIRZ.

I saw one man shot and heard the dying statement of a colored man who was shot. That dying statement was, that Captain Wirz had shot him in the back. There was a bullet in his back when he died. The statement was made to Richard Fitzgerald, of the eleventh Connecticut regiment, who took it down in his diary. After that Fitzgerald was shot and his diary was taken away; by whom I do not know. I saw Fitzgerald after he was shot. He was shot by the guard. His tent was close to the dead-line. Some said that he had rolled half way over the dead-line; some said not. I presume he rolled with his feet over the dead-line and was shot. They were carried next morning to the gate and taken out. I do not recollect the name of the colored man who gave his dying statement. He stated why Captain Wirz shot him. It was for refusing to go outside and work.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw the guard shoot one man while he was reaching under the dead-line for water. I don't know his name. It was in July. It was rumored that Captain Wirz was in the sentry-box, but I did not see him. I saw the guard shoot a man at the gate when he was going on sick list. The guard was a young man about eighteen years old. The sergeant, I believe it was Sergeant Smith, asked who had shot him. The young man said he had shot him, and using an oath, which I do not like to repeat in court, he said that he would shoot any other Yankee if he thought he could get a sixty-days' furlough by shooting two instead of one. The guard was removed from his post, and I never saw him again while I was there. I saw a one-legged man shot at the creek. I do not know his name. He was called, I believe, "Crazy Jim." He was considered crazy. He was shot in July; about the middle of July. He was killed instantly. I don't know whether Captain Wirz was present or not at that time. It was rumored that he was in the sentry-box. I did not see him. I saw three men shot in all, the three I have already described. I did not see any more cases of shooting.

THREATS OF WIRZ.

I heard Captain Wirz make remarks concerning the prisoners on the south side of the stockade. After the loss of his watch, I believe, and being insulted by the prisoners on that side, he said that, if he could help it, not twenty-four of the prisoners then on the south side should get out either by exchange or on parole.

Cross-examined by COUNSEL:

This threat was in consequence of either losing his watch or being insulted.

STOPPAGE OF RATIONS.

The rations were stopped, I believe, on the third or fourth of July. The cause was that a man was taken out for running a man to the dead-line who had betrayed the opening of a tunnel. I know nothing about turning the guns

of the fort on the guard. The only tunnel I know of was the tunnel with which I was connected. It was on the south side. We had been tunnelling for three weeks, when a man, I don't know his name or his regiment, told Quartermaster Humes where the tunnel was. We had got so far that, if the man had not betrayed us, or had not been a "down-easter," as we termed it, we would have got out the next night, but as we were betrayed, we did not get out at all. I hardly know how many would have escaped. Some twenty or twenty five were engaged in digging the tunnel. Seven hundred or two thousand might have escaped, for all I know, after we got out. I know nothing of the plan to turn the guns on the guard. We dug that tunnel with tin plates, oyster shells, and such other articles as we could get. I know of no other tunnels besides that one.

By the COURT:

According to our calculation the tunnel was one hundred and forty feet long. It was on the south side of the stockade, about thirty-five feet from the creek. The diameter of the tunnel was about three and one-half feet. We would have to crawl through it.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

SEPTEMBER 5, 1865.

FRANK MADDOX, for the prosecution:

I belong to the 35th United States. I was at Andersonville, Georgia, as a prisoner. I was there about eleven months. I was taken there April 1st, 1864. I left there February 2d, 1865. When I was taken there I was put in the stockade and stayed there about two months, until my wounds got well enough to allow me to work. I was then taken out and put to work. I was wounded in the hip and foot. I was wounded at Olustee, Florida. When they took us out of the stockade, they put us to work, pulling up stoops around the stockade, cutting wood, and doing first one thing and then another. We were in and out until the 2d or 3d of September. We were then taken out and put to burying the dead. I did not assist in building the fortifications. We helped to enlarge the stockade. We commenced on that, I think, the 1st of June. I know Captain Wirz. I heard Captain Wirz make threats as to what he would do with us. One morning, I think it was in February, they sent us to the swamp to ditch. It was very cold, and the boys did not want to go. Captain Wirz told the sergeant in charge, if we did not go, to take a club, and kill the last "damned one of us, and let the buzzards eat us." I am speaking of the colored men. My wounds hurt me while I was at work; they had not healed up. I did not complain. I saw no use in complaining. Those who did complain did not get anything done for them. I heard men complain to Captain Wirz about their sufferings from cold. When I was there in April it was very cold and we had no wood and nothing to lie upon, except the ground. One morning the sergeant asked him to let us go out and get some wood. He said he was not going to do it; that he did not care a damn if we all died. The sergeant intimated to us that Captain Wirz gave the men a thirty days' furlough every time they shot a Yankee. He would never treat us boys as Captain Wirz wanted him to treat us. He wanted him to be whipping us and knocking us about, and he did not do it. Captain Wirz ordered him to do it. I have seen him many times when he gave the orders. I looked right at him when the words came out of his mouth. I never saw colored men put in the stocks or the chain-gang. When they wanted to punish them, they put them across a log and whipped them half to death and put them back to work.

By the COURT:

I don't know exactly how many colored men were there. When I left there

were only fifty-four. They were all prisoners. They were not all at work outside. Some were not able to work. Some had only one leg and some had only one arm. Those who were able to do any work were at work outside. Those who were not able to work received very bad treatment. Once for a week they did not get anything to eat. That was in September. The colored prisoners were in a gang by themselves up towards the south gate. They were treated in no other way differently from the white soldiers.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

By JUDGE ADVOCATE:

Captain Wirz never inflicted any punishment of any kind on me but he did on others. One he had whipped. I was up at his office in the morning to get an order for rations for the boys who would be out at work. He thought I was the man and commenced to curse me. The sergeant told him I was not the man, and called up Isaac Hawkins and asked him what he had been doing. He told him nothing. Captain Wirz hauled back and knocked him to the side of the tent and told Turner to take him, strip him, and give him five hundred lashes, calling him "a damned Yankee son of a bitch." They gave him two hundred and fifty lashes, and the sergeant who was boss over us, and counted them, told Turner that he had given him five hundred, when he had only given him two hundred and fifty. The man was then loosed, and taken to the blacksmith shop, and had about two feet of chain put on him, and was sent to the graveyard to work, being told that if he stopped five minutes during the day, he would get two hundred and fifty more. The man was whipped on the bare back. He was stripped naked and put across a log, and they whipped him from his feet up to his head, across his back. They whipped him all over. He was whipped with a leather strap about as wide as my forefinger, attached to a staff about two feet long.

THE STOCKS.

I have often seen the stocks, and saw men in them. The stocks were about twenty feet long, with places for men's heads and arms; holes to put their heads through, and holes beneath for their feet, and then there was a plank to chain them down to, so that they could not get out.

A WHITE PRISONER WHIPPED BY WIRZ'S ORDER.

I know of a white man coloring himself and trying to escape. The man came out in the morning when we did. He had blackened himself and intended to get out to work where we were, so that he could get a chance to get away. They found him out, and Captain Wirz told the sergeant to take him, strip him, and give him thirty-nine lashes on his naked back, and he did so. He then ordered the man to be put in the stocks. Captain Wirz said the man had blacked himself to be a nigger, and, God damn him, he would give him a nigger's law. That was thirty-nine lashes. He was whipped, but I don't know whether they put him in the stocks or not. I went off to work.

THE CHAIN-GANG.

I saw twelve men in the chain-gang for about a week. They had iron collars on their necks, and the chain connecting them all together, a ball and chain on their feet, and a large ball in between every four men.

MEN BITTEN BY THE DOGS.

I saw the hounds, and saw them running men, and saw one man who had been torn by them shockingly. Captain Wirz ordered him to be put in the stocks, and he stayed there until he was nearly dead. He was taken out, and

a couple of days afterwards his body was brought to the graveyard. This was in September, 1864. The dogs had torn all the calves of his legs clear up, and his back, and had also bitten him on the back of his neck. I saw him before he died, and I helped to bury him. I recognized the man I buried as the man who had been bitten by the dogs. I do not know his name or regiment. It happened in September. I know that Turner came to the graveyard, and said that there had been two men, and that one of them he had let the dogs tear up in the woods. That was Turner who ran the dogs; did not see Captain Wirz there at that time. This man was put in the stocks by Captain Wirz's orders. Turner told me that the one who had been torn up in the woods was caught at the same time this man was. He said that he was killed; he said that when the dogs caught him, he wanted to fight, and they let the dogs tear him up in the woods and left him there.

TREATMENT OF THE DEAD.

The ditch that the prisoners were buried in was laid off seven feet wide, I believe, and it was dug scant three feet. The men were laid in side by side; most of them were naked. They stripped them before they brought them there. I don't know what became of the clothes that were taken off them. The boys who came up with them said that they had been taken for the rebels. There was a detail made of colored men to wash those clothes. I was not on that detail. One man who was on it was George Brown of the 54th Massachusetts, and there were a couple of colored men belonging to the 8th Pennsylvania; I never saw any of the men stripped.

VACCINATION.

Captain Wirz was out at the graveyard one day in October, 1864; some officers were out there with him, and they were looking at the men who had been inoculated—how green their corns had turned. Captain Wirz said, "The God-damned Yankee sons of bitches;" he had given them the land they had come out to fight for, he had given them six feet. He referred to those who had died from vaccination; that was in October. I was at Captain Wirz's office every morning; I would go up every morning to get the tools, and would carry them back every evening. I attended to the burying of the dead. I heard Captain Wirz tell the doctor at the gate, I don't know who he was, to vaccinate all those men; they were talking about having the small-pox there; the doctor told him that according to his orders he would do it; the men all died. I saw Captain Wirz in the graveyard with the surgeons two or three times; they were laughing over the effects of the vaccination one day; the doctor had been examining, and had cut some bodies open, and had sawed some heads open; in some cases a green streak from the arm had extended to the body; they were laughing about its killing the men so; I mean the surgeons and Captain Wirz; this was in October; I do not know who the men were; I knew the chief surgeon, Dr. White; I never saw him out there; I saw him pass often, but never stop there; the graveyard was about a mile from the stockade.

THE SUPPLIES FROM THE NORTH.

I saw thirteen boxes of sanitary stores come there; I helped to unload them and put them in Captain Wirz's office. I do not know what became of them. They gave the men at the cook-house some and some were sent to the hospital. I do not know what became of the balance; I saw Captain Wirz wearing blue pants and sanitary shirts. We asked him for some of the clothes and he would not give them to us; we were naked and barefooted.

NEGRO SOLDIERS WHIPPED BY WIRZ'S ORDER.

Cross-examined by COUNSEL:

I saw some four or five colored men whipped. When we were working on the stockade four were whipped; one was knocked down with a spade; the first that I saw was in May; there were two whipped at Captain Wirz's headquarters; they each got thirty-nine lashes; I do not know what they had done; I don't know what that man had done who was ordered to receive 500 lashes. Captain Wirz said that he had forged a pass, and the man said he didn't; I don't know what he did; he was not the man who insulted the white lady; no colored man insulted any white lady; I did not hear him say anything as to that; I was at Captain Wirz's office when I heard him say the man had forged a pass; he accused me of that when he thought I was the man; I do not know whether it was true that the man had forged a pass; I never saw Captain Wirz abuse any colored men unless they had done something wrong; I have seen him have some of them whipped, but whether they did anything wrong I cannot tell; what they had done I do not know; I heard there were charges against them.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

I worked in the burying-ground from the 10th of September to the 2d of February, 1865; I was not engaged there all that time; the men didn't die so fast after the last of October; and then when I wasn't burying the dead, I cut wood and worked in the swamp; I did not help to carry them to the burying-ground; I worked in the burying-ground; after we were taken out of the stockade to stay, we were carried at nights up to the depot—the other side of the branch, opposite the depot; we had no guard over us; there was no one to look after us, or take care of us; we had orders not to go away from there; no one was over us or in charge of us. The gang that worked with me in the graveyard had about twenty-three in it. It was sometimes smaller, some would be taken off to do other little jobs; others were not put in.

TREATMENT OF THE DEAD.

White soldiers were burying the dead before we went there. There were no white soldiers so engaged at the time we were there. There was a gang of confederate colored; about twenty. We all worked in the same burying-ground, but they did not allow us to have any conversation with them. We worked close together. They buried none there but our own Union men. The men died so fast that those we had there could not bury them fast enough. They were all burying Union soldiers. There were forty or fifty at work burying. That number staid there between two and three months. The ditch was seven feet wide and three deep, in some places not so deep. The men were laid in, side by side, and the dirt was thrown right in on them. They laid them in side by side. They were laid in decently and respectfully. The sergeant was over us, and he told us how he wanted them put. He was a confederate sergeant. He told us to be particular to lay them in as straight as we could, and as close together as we could get them.

By the COURT:

We lay them on their backs.

By COUNSEL:

There were no boards there out of which to make coffins. We could not have put them in coffins. There were no coffins there, and no boards to make them. We didn't even have boards to put over them after we put them in. For two pits or trenches we had boards to lay over them, but after that they gave out.

We did not at any time have sticks to lay over them. We laid puncheons over the trenches, and after the puncheons gave out, we did not have anything. The timber was cut down and split open, and we laid that on top. We did not lay the puncheons directly on the men, but a little distance above them, and then we put the earth on the puncheons. The puncheons gave out because they quit getting them. I saw Captain Wirz in the burying-ground three or four times. While there, I did not see him do anything except on the one occasion which I have stated. The doctors opened the sculls of those men at the hospital. They were buried there afterwards. They were not mangled in any way; it was done pretty decently. In the examination of the dead men at the hospital, the regular surgeons were engaged. After opening a man's head, they would sew the scull up.

THE SUPPLIES FROM THE NORTH.

I knew of sanitary stores being distributed to the colored men. Six of them, I believe, got pants and shirts. They were some men who had lost legs, and they were brought out of the stockade naked. The sergeant in charge of them went to Captain Wirz and told him about it, and he gave him pants and shirts for six. I never saw any more than this one lot of stores sent there. They were very large boxes. Six of them were about as large square as that table (about a yard in width) is wide. I know what dry-goods boxes are. They were all dry-goods boxes but one—a box of shoes, and six bales of blankets. Those were all I ever knew to come there. They came the last of September or first of October. They were moving the prisoners to Savannah when these goods arrived.

THE RATIONS.

I was at the depot every night to put the rations on the trains for the men who went away. I first began to go to the depot in September. It was the fourth of September, I believe, that I first went there. I was there pretty much night and day till the soldiers were all gone. I would go to the graveyard and work all day till they got ready to send off a lot of soldiers at night. Then I would have to go and put rations in the train for them. We got those rations out of the commissary there. I did not go to the commissary myself, with the team, and get the rations. I don't know who did. My orders were to put so much in every box. Those boxes were on the railroad. By boxes I mean box cars. I cannot exactly state the quantity of rations I was to put in each box car. Those rations were baked in square loaves of bread, and there were about eight of those loaves of corn-bread in one box, to last sixty men two days. The loaves were about four or six times as large as that book (a book about nine inches long, six inches wide, and four inches thick.) Besides those loaves, I put in about twenty-five or thirty pounds of bacon, cooked bacon. The men would go in the same car with these rations. The bread was as coarse as it could be, and looked as if the cobs and all had been ground up together. Some was musty, and some was fresh. Sometimes it would be baked a good while before it was used, and it would not be fit to eat, and would crumble to pieces. The bacon was pretty good, generally, but nowise clean, but hungry men were forced to eat it or nothing. I messed at the camp where I staid, right opposite the depot. We staid there from the 2d of December until Christmas. At Christmas we moved over to the depot. All that worked with me messed there.

By the COURT:

I did not get those provisions from the storehouse at the depot. They were cooked at the bake-house and brought up in wagons. Sometimes they would be brought up in the daytime and put in the storehouse, and taken out to the trains at night, when the men were going away. There was a large quantity of

provisions in the storehouse at that time. The storehouse was, I think, about 250 feet long and thirty feet wide. They would bring the provisions there every day.

By the COUNSEL:

I know those in the stockade were deprived of rations, because I would go in there and see them, and they told me they had nothing to eat for a week; all I know about the matter is what I was told. I do not state the facts of my own knowledge.

By the JUDGE ADVOCATE:

The soldiers who were being sent away were our prisoners, moving from Andersonville to Millen, I believe.

VACCINATION.

By the COURT:

I remember the words Captain Wirz used when the surgeons were examining the men who had died from the sores on their arms. He said, "God-damn them, we have given them the land that they came out here to fight for." The doctors said it was the effect of that inoculation; that was all they said.

By COUNSEL:

They were there talking about the matter; one of the surgeons was looking at these places on the bodies and said, "This is a shocking complaint," and Captain Wirz said, "Yes, God-damn them, we are giving them the land they came out here to fight for."

COUNSEL FOR THE ACCUSED ASKS THAT THE COURT REJECT CERTAIN TESTIMONY.

Upon the meeting of the court on the 26th of September, Mr. Baker asked the court to reject much of the testimony taken yesterday, saying that two-thirds of it was of such a character that it would be struck out on a motion before a civil court; but as nothing was struck out of the proceedings here, he asked the court to reject it.

The ASSISTANT JUDGE ADVOCATE asked that counsel should state the reason for his objecting to the testimony.

Mr. BAKER. One reason is, that there are several places in the examination where the judge advocate asked questions direct, which the witness answered by "yes" or "no." Another reason is that the witnesses, after replying to the questions of the judge advocate, would then add rumors and hearsays, having nothing to do legally with the prisoner at the bar. And the third reason is that a good deal of yesterday's testimony would not apply to any particular acts with which the prisoner is charged.

The ASSISTANT JUDGE ADVOCATE. It is presumed that a court convened to try a case like this is able to judge what is evidence and what is not.

Mr. BAKER. It is also presumed that a counsel for the defence is able to judge and complain. I only exercise the same right that I would in a court of law; however, I will not insist on it now.

SEPTEMBER 6, 1866.

JOSEPH ADLER, for the prosecution:

I was in the military service of the United States two years and nine months; I was a prisoner at Andersonville; I was there from about the middle of March to the 8th of September, 1864; I know Captain Wirz; when I was captured there were seventy-one of us, including a young negro boy; all that is left is about a dozen out of the seventy-one.

TREATMENT OF THE SICK.

I was part of the time in the hospital in the capacity of nurse; I cannot state exactly how long; I think it was two or three months; I went into the hospital in the month of June, and came out of there about three or four weeks before we left Andersonville; I left Andersonville on the 8th of September; while there I had opportunities of observing, from time to time, what was going on outside the stockade; I should judge the sick were treated pretty badly; the majority of the sick men had to lie on the bare ground; the majority of them had no blankets; they had nothing to lie on and nothing to cover themselves with; they had hardly any clothing to cover their bodies with, and most of the time the food furnished them was unfit for them to eat, and consequently they had to go without anything to eat. It rained twenty-four days in June, if I am not mistaken; I know it rained twenty days in succession; at that time there were about 200 men lying out under the open sky without any shelter whatever, without any bedding or blankets, and some of them had nothing on but a shirt and a pair of drawers, and there was no medicine at the time to be given them, and they had no attendance whatever; they had only a little water, and all they had to eat was a little corn-bread and rice soup, that I would not give to a dog. I do not recollect ever seeing Captain Wirz strike or kick any of the sick or anything of that kind; I have heard him use very abusive and insulting language.

STOPPAGE OF RATIONS.

Captain Wirz took command there in the latter part of March or the beginning of April, 1864. The first day he went in the stockade he said he had to muster us all, to divide us into squads, detachments, and divisions, and that if he did not get through by one or two o'clock in the afternoon we would get no rations that day; he did not get through, and consequently we had to go without anything to eat. I do not think it was anybody's fault that we did not get through; it was impossible to get through all the work in the time specified, and no reasonable man would have thought that it could be done.

TREATMENT OF THE DEAD.

I lost a friend while I was attending the hospital there. I made a request of Captain Wirz on that occasion. There was a man by the name of Stevenson, who belonged to the second Massachusetts cavalry, company A, the same company that I belonged to. He died there. He had respectable clothes on, and seeing that he was a friend of mine whom I had known for a long time, I did not, as I usually did, take off his clothes and give them to the living, but I left them all on his body, and requested Captain Wirz to let the clothes remain on the body, and he told me he would; after the body was carried out of the hospital, Captain Wirz went with the wagon, and two confederate soldiers took the clothes off the man and they buried him stark naked, without anything, not even a shirt on his body, Captain Wirz did not make use of any expressions at that time, that I can recollect.

MEN BITTEN BY THE DOGS.

I know about the use of dogs at the prison.

One morning I carried up a paper to Dr. White; it was a request of a patient in my ward to see one of his friends in the stockade. I got permission from the officer of the day to take it to Dr. White, who was standing with the confederate officers and privates all in a group.

I went over there and found Dr. White there and handed him over the written

request, and as I came there I saw a man lying on the ground; his clothes were literally and practically all torn to pieces, and you could see the marks of the teeth of the dogs right in his throat all over, and the blood was running and he was almost dead. He was not torn in any other parts of the body that I know of; I know that his clothes were all in rags, all torn to pieces. I don't know if his body was hurt in any other part or not. Captain Wirz, Dr. White, Dr. Stevenson, Humes, and several others were there. They were all talking about it, and they did not seem by the way they spoke to have any compassion on the man at all. I heard Captain Wirz make the remark that it served the damned dog right, meaning of course the man lying on the ground. That man died the same day. He never was brought to the hospital. He died right on the spot. I cannot tell what date that was; I think it was in the latter part of June or the beginning of July, 1864. I had not been a long time in the hospital when it took place. He died right on the spot.

CRUELTIES COMMITTED BY WIRZ.

I heard complaints made to Captain Wirz with regard to the condition of the rations and other things. Before I was detailed to go into the hospital, I went to see a friend of mine who was in another part of the stockade. He was almost dead with diarrhœa, in fact so weak that he could hardly get up alone. He had very little clothes on, only a shirt and a pair of drawers, and he had to lie on the ground with his drawers down. He was not able to go to the place where we went to do our business. I and seven other persons had dug a tunnel in order to make our escape if we could. There was another man, a Union prisoner, who had found out that we had dug the tunnel and were ready to start that evening; he went to Captain Wirz and told Wirz if he would give him something to eat he would tell him some good news. The captain said he would, and then he told the captain. The captain came in with six confederate soldiers and filled up the tunnel. After the tunnel was filled up he went out of the stockade and came right back again on a gray horse. He had a loaf of cornbread in his hand, and as he went past the sick man that I was with the sick man saw him and got up as well as he could and said, "Captain, please give me something to eat, a piece of that bread; I am hungry; I have had nothing to eat for two days; I was too sick to go and get my rations, and there was no one to get them for me." The captain had a little riding whip in his hand, but the end of it was rather thick, and he turned round and struck the man over the head with it. The man fell right on the ground and swooned away, and it was an hour before he came to himself again. The next day he was carried to the hospital, and two days after I heard he was dead. Afterwards, when I was detailed in the hospital, I tried to find him out but could not. I was told he was dead.

THE STOCKS.

I saw men in the stocks. I know of one man who was lying senseless in the stocks for three hours before they would take him out. Captain Wirz was nowhere to be found. The order was to leave him in till Captain Wirz ordered him taken out. The captain was nowhere to be found, and the guards did not dare to take him out, and he lay five or six hours in the stocks senseless until Wirz came and they took him out. He was in there for trying to make his escape.

PRISONERS SHOT BY WIRZ'S ORDER.

I heard Captain Wirz give orders to the guards in regard to the dead-line. One day I went down to the brook to wash myself all over. The dead-line which crosses the brook was torn down, and there were two or three men reach-

ing out in order to get some good water, because the water was rotten, filthy, muddy, and greasy. Captain Wirz was at the sentry-box with the sentry looking over the stockade, and as he saw the men just dipping their hands a little beyond, inside the dead-line, he asked the sentry why he did not shoot that man; he was over the dead-line; no matter whether his whole body was over the dead-line, or only part of it, it was his business to shoot him, and if he did not shoot him he would have him punished. The sentry put up his musket, aimed at the man, and shot him right in the right breast. The man fell into the water, and we dragged him out and took him up to his quarters. That was some time in the month of July, 1864. I don't know what day. I am certain I recognized Captain Wirz by the sentry. I heard his voice; I do not know what the result of the wound was. The man was taken to the hospital, and that was the last I saw of him. The ball entered the right breast. I do not know if it passed through him. I do not recollect young Brown of a Pennsylvania regiment. There were other persons witnessing that occurrence. I know of other instances of shooting by sentries. There was a man by the name of "Chickamauga," a cripple. I saw that occurrence. The man went inside of the dead-line. He was a kind of idiot; he had not his senses at all and the boys teased him a good deal. He went to Captain Wirz and asked Wirz to let him go out of the stockade because the boys teased him so. Captain Wirz would not let him, so he went inside the dead-line and some of us tried to get him out of it by speaking to him, but he would not come and we dared not go inside because we were afraid we would be shot too. Captain Wirz ordered the sentry to shoot at "Chickamauga." The sentry hallooed to him first and told "Chickamauga" to go outside of the dead-line; that if he would not go out he was obliged to shoot him, and "Chickamauga" would not go out and then Captain Wirz talked up to the sentry and asked him what he talked so much for, why he did not take his musket at once and shoot the man down, so he took his musket at once and shot the man down dead. It was about six weeks after I went into the stockade, after I went to Andersonville. I cannot state exactly what time it was, because sometimes we would not know one date from another there.

PETITION OF THE PRISONERS FOR EXCHANGE.

Captain Wirz was petitioned. There was a number of us—I had no hand in it—made up a petition and sent it to headquarters in order to send and make representations to our government to have us exchanged. General Winder promised that the petition should be sent off, and afterwards when it came into the hands of Wirz, that was the last we ever heard of it. I do not know what Wirz himself said to the petitioners, because I did not go with them to hand over the petition.

TREATMENT OF THE SICK.

Cross-examined by COUNSEL.

There were beds and bedding in that hospital. There were about two dozen for the whole hospital. There was only one ward which had bedding, the others had not when I entered the hospital. I mean the whole hospital. There was about a dozen beds in the whole Andersonville hospital. This was in the month of June. It was before the hospital was enlarged. That was the hospital outside the stockade. I do not know whether there were any more in it after the hospital was enlarged I was in it after it was enlarged. I cannot state the date, I think it was the latter part of August. I believe they commenced to enlarge the hospital about the first of August. I am not positive on the subject at all. I could not be positive about it at all, because I hardly ever went outside of my ward. I had enough work to do to attend to my patients. I was in the fourth ward. The greatest number at any one time in that ward was

seventy-five or a hundred. It was an ordinary sized ward. The ward was full then; it was what I call crammed full; sometimes they had to lie out in the street. The ward would accommodate comfortably about fifty or sixty. The hospital was in a crowded condition all the time I was there. There were sometimes more sick than could be got in any way. There was one time when we had about two hundred lying in the main street. We could not find any shelter for them at all. That was when I first went into the hospital. That was in June. That was some time before the hospital was enlarged. I do not know whether those people could have been put under any shelter or not. I did not see any place where they could be put. It was in consequence of their lying there that they died so very rapidly. I suppose the rain had great effect on them. Dr. White was in charge there. None of the men in my ward had a bed to lie on. They lay on the bare ground. The hospital had no flooring at all. It had a board fence around it. The covering was canvas tents, but they were not in a good condition. The hospital was not made continuously like a large room. It was not like our hospitals. They were A tents, four or five patients in a tent. The sides of the tents were all open. Sometimes if it was a good tent we could pin it down, if it was a bad tent it would not hold the pins and the wind would blow it open all the time. Very few of the tents were good. There were very few that could have the sides down to protect the patients. The sun would shine in on them sometimes. They could let the tents down in front, but when the sides were closed too, it would be too hot, suffocating. When it rained the ground where the flooring would have been would be wet and muddy. It was about the same all through the hospital. Sometimes we had no medicines at all. In June, I think it was, we had no medicines for as long as fifteen or twenty days; we had nothing else but a little corn whiskey. We had no medicine at all. I know there was no medicine inside the hospital. Whether they had it at headquarters I cannot say. Every morning there were requisitions made out for medicines, but we never received any. I saw them made out by the physician attending. Those requisitions were not filled. In the months of June and July the attendants were rather scarce for about two weeks, but afterwards we had enough of them. It was when a great many were pushed in that there was a lack of attendants. The only benefit we derived from the hospital being enlarged was, that there was a little more space for those who could walk about, to walk about in. I did not see any improvement in any other respect. The enlargement was the same as I have described the hospital. Some of the tents were a little better and some still worse. Generally speaking it was about the same. It was made about as large again as it was. It was immediately filled up as soon as it was enlarged. There was no space kept empty for any length of time, only the street.

By the COURT:

The hospital was simply an enclosure with tents in it. There was a dead-house inside of it. The dead-house was a kind of shanty, made out of lumber, to put the dead men in. That was the only building there. The dead-house was about twenty-five feet long and about twelve feet wide. It had a board floor. It was a regular building, I believe that the sides instead of being made out of boards, were of canvas. I am not positive on that subject though, I cannot give the dimensions of the hospital enclosure, I have no idea how much ground it covered.

By COUNSEL:

I said that, of seventy-one men captured with me, there are only twelve living. About fifty of them died at Andersonville.

STOPPAGE OF RATIONS.

Captain Wirz would divide the prisoners off into squads of ninety, and appoint a sergeant for each squad. He had several assisting him to divide the prisoners; confederate sergeants. At that time there were between three and four thousand prisoners. This was in April, 1864. They were kind of divided off in that way before, but there was not quite as much system about it. It took him two days to go through that arrangement, I believe. He worked at it continuously, all day. He did not neglect or lose any time in doing it. They had rations the day before he commenced numbering them in that way. They drew rations for one day. It would be a pretty hard matter for me to judge whether it would be possible for him to draw rations while he was arranging them, because I was not outside; but I take it he could. He could know how many rations to draw, as the prisoners had been counted the day before. He had just taken charge. He could have made a rough estimate of the number. The officer who turned the command over to him was responsible for the number. We did not get our rations for four or five hours after he was through with us. The same man brought the rations that brought them in all the time.

TREATMENT OF THE DEAD.

I never saw Captain Wirz strip any one, personally, not with his own hands, but just as good as if he did it with his own hands. He was present when it was done.

MEN BITTEN BY THE DOGS.

It was shortly after I came to the hospital that I saw the man who was said to have been torn by dogs. I cannot say the date. I went to the hospital in June. We did not know one day from another there. I think it was about the middle of June. It was three or four weeks after that that I saw the man who had been torn by the dogs. I think it was in the beginning of July. I have related everything that I can remember about that occurrence. I said that by the way the Captain spoke, I could see that he had no compassion for the man. I did not say the words he spoke; I meant the way all of them spoke. They were talking to each other. I can tell the language they used. Captain Wirz said to Dr. White, that it was perfectly right; that it served the man right; that he had no business to make his escape, and that he would not care if all the damned Yankees in the stockade could be served the same way as that man, as he wanted to get rid of them. I do not recollect the answer of Dr. White. I do not recollect the words said by either of the others. They were all talking together. I handed the note to Dr. White, and he stepped to one side to read it and gave me the answer, and I went right back. I had hardly time to listen to what the conversation amounted to. I looked at the man lying on the ground and was sorry for him. I could not bear the sight. I was there about ten minutes. I took a careful look at the man lying on the ground. I did not examine the wounds. It was plainly to be seen that he had been torn. I did not examine him; I looked at him carefully, and saw how he was mangled. I only heard the words of Captain Wirz. It would not take a minute to speak those words. The horrible condition the man was in was enough to engage my attention away from anything else that was passing around me.

TUNNELLING OUT.

It was in May that I attempted tunnelling out of the stockade. It was about the middle of May, I guess. The way we worked at it was this: We dug a well first, about twelve feet under ground, large enough for two or three men to stand in; then we went to work on one side of the well and commenced to dig

a hole in the ground until we got outside of the stockade. I believe it was the latter part of April when we commenced at it. We got done about the middle of May—we got it all completed and were ready to go out through it. We hauled the sand up in haversacks; and every time we had a haversack full, one of the boys would go out and spread it in different parts of the stockade, so that it would not be noticed. We dug it with our hands, sticks, an old knife, and anything else we could lay our hands on. We had no shovels. Once in a while we would be allowed a shovel for a little time. I never asked the reason why we did not get shovels. I do not know the reason. I do not know that it was because we were constantly tunnelling there.

SEPTEMBER 6, 1865.

WILLIAM HENRY JENNINGS, (colored,) for the prosecution:

I was in the military service of the United States; in the 8th United States colored troops. I was captured at Olustee, Florida; I was wounded there through the legs. I was at Andersonville as a prisoner nearly a year. I was taken in February, 1864. I saw Captain Wirz while I was at Andersonville. When I got off the cars I saw him. We were taken up to his quarters, and then sent to the stockade.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

I was placed on duty about a month after I was put in the stockade. I was set to digging a ditch outside the stockade. My wound was then bleeding. I was wounded through the thigh of the left leg. I received no medical attendance. My wound was not dressed while I was there. I was not employed at the graveyard, nor had anything to do with the dead. I could not walk.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

I was whipped in March, 1864. I got thirty lashes by order of Captain Wirz. I was whipped for not going to work one morning; I was unable to do so. I had caught a heavy cold, working in the water in the swamp. My wound was just the same as when I had been wounded; nothing had been done for it. The lashes were ordered by Captain Wirz, and laid on by Turner, the man who ran the hounds. The whipping had no effect on my wound. They whipped me on my bare back. They made me bend over. Afterward they took me and put me in the stocks. I was kept there a day and a night. I did not get any food or drink while in the stocks. After that I was taken and put back in the stockade. When I was taken down, I could not walk. I do not know of any other instance of whipping, only what I have heard. I never heard the rebel sergeant give any orders with regard to whipping.

MEN BITTEN BY THE DOGS.

I saw the hounds at Andersonville. When I was in the hospital, I saw a man come in, torn by the hounds. He was bitten by them from his feet up to his head. He was bitten around the neck. He died shortly afterwards. I cannot say how soon afterward. I saw him when he was carried out past our tent. I know that it was the same person. I cannot recollect the month. I cannot speak positively as to the season or the year. I do not know how long it was after I went to Andersonville. I cannot say how long it was after I was set to work in the ditch. I think it was along in the fall. I cannot give any reason for thinking so. I think it was about a month or two after I was whipped. I was whipped in March. I don't remember what part of March. I was in a great deal of pain and misery, and never took any notice of the time. I was whipped the next day after I was brought out of the stockade and set to

work. I was brought out about a month after I was put in. It was about a month after that that this man came into the hospital with his neck and body torn. I do not remember any other instance of that kind. I saw Captain Wirz at the gate when the man was brought in. I did not hear him say anything more than "put him in there;" that was in the hospital. I was in there at the time. Captain Wirz ordered him to be put in the hospital.

VACCINATION.

I have seen some vaccination done there, and seen men who had lost their arms. I was vaccinated. I did it myself.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

Cross-examined by COUNSEL:

I never had my wound dressed at all. It was not dressed when I was first captured at Olustee, nothing more than putting cold water on it. It healed up. Captain Wirz compelled me to go to work. He sent the guards in and got us out. A man named Joe Jackson was brought out at the same time. We did not give our parole. He did not give us colored boys any parole at any time. He let us go just where we could. If we were crippled we could not go about. He never abused us in any way except the times he whipped us.

A NEGRO SOLDIER WHIPPED BY WIRZ'S ORDER.

I was whipped for not going to work. I told him I was not able to go to work. Others did not refuse to go to work. They were able to go. They were not wounded as badly as I was. Nothing but my wound prevented me. I was kept in the stocks a day and a night. This was the next day after the whipping. I did not use any language or anything of the kind. I do not know when the stocks were built. I did not see anybody in them but myself. I am sure it was in March I was whipped.

By the COURT:

I did not hear Captain Wirz give the order that I should be whipped, but the man who whipped me said that Captain Wirz gave him orders to whip me.

SEPTEMBER 6, 1865.

THOMAS N. WAY, for the prosecution:

I was in the military service of the United States; in Company I, first Ohio volunteers. I was a prisoner at Andersonville. I was there altogether eight months and thirteen days, from February 23, 1864, until September 7, 1864, and again from December 24, 1864, until January 19, 1865, when I made my escape.

CRUELTIES COMMITTED BY WIRZ.

I know Captain Wirz. I was in the stocks eight days. I was bucked and gagged a day and a half. I was tied up by the thumbs for fifteen minutes, because I was sick and not able to fall into roll-call. All this was done by order of Captain Wirz. I heard him give the orders. When I was tied up by the thumbs, I was taken and held up with my arms elevated. A guard took me on each side; I could not stand myself. They tied my thumbs by strings and then let me hang, with my feet some distance from the ground, the whole weight of my body on my thumbs. I could not use my hands for two months afterwards. That was in the last of July. I cannot give the exact date. I remember seeing Captain Wirz at the time. One time, when I had been captured trying to get away, Captain Wirz said, "Well, are you back here again?" I said "I guess so."

He said, "I am going to take care of you this time; I put you in the stocks for four days." He sentenced me for four days, and I was put in the stocks. When those four days were up I came back. He told the guard to carry me to the stockade. I suppose I was full of a little devilment, and I said in a joke, "I am very much obliged to you, captain; I would rather be carried than walk." That made him a little mad, I suppose, and he said, "You God-damned Yankee son of a bitch, I will put you in four days longer, and then if you give me any more of your lip, I will shoot you, God damn you." He put me in the stocks again. The effect of the stocks was very severe. I was laid on my back with my feet and arms in the stocks, so that I could only move my head; and my face was right upward to the sun. It was in the latter part of December or the first part of January, just before I made my last attempt to escape. I was four hours in and one hour out during the twenty-four hours. That was the first and only time I was put in the stocks. I never saw any other person than myself tied up by the thumbs. I was bucked and gagged for being a little late for roll-call, when Captain Wirz first took command of the camp. I don't know but what I deserved it that morning a little while, but not quite as long as I got it. When a man is bucked and gagged, he is set right down on the ground with his legs drawn up and his arms around his knees. The pole is put right through under the knees and above the arms at the elbows; a stick is put in the mouth as far back as they can ram it. A string is tied around the neck. The result is you cannot speak. It is a pretty severe punishment. I have seen others punished in that way. I have seen a hundred men or more punished in that way. I have seen them punished in that way before the dead-line was put up.

At that time the prisoners had to go right up to the stockade for water. They had always had the privilege to do so, but this time a patrol was sent around inside with orders that every man caught inside certain stakes that were put up should be brought to the gate and bucked and gagged for two hours. I saw that carried into effect over a hundred times. I saw a case of beating by Captain Wirz. That was on the 7th of September. The man who was beaten was a sick man who belonged to the Chickamauga forces. He could not find his place. He wanted to get in with his boys. He ran to the head of the line. Captain Wirz was counting the men off; it made him pretty mad. He ran at the man and called him the name which he generally used, "a God-damned son of a bitch," and told him that if he didn't get into the ranks he would shoot him with a pistol. He ran up and gave the man a shove and sent him, I suppose, about fifteen feet. The man was not stout, and could not get up for about ten minutes. That is the only case in which I saw Captain Wirz use his pistol. I cannot say that I saw the guards maltreat the prisoners, under the orders of Captain Wirz, except from what I was told. I was told by the guards at the time. I asked the guard, "What did you shoot that man for? He was not within two feet of the dead-line." He said that he had shot at another man and killed this one. I asked him whose orders it was to shoot without halting men. He said it was Captain Wirz's orders.

A PRISONER TORN TO PIECES BY THE DOGS.

I know of the use of hounds at Andersonville; they caught me three times. I remember about a soldier being torn to pieces by hounds. He was a young man whose name I don't know. I knew him by the name of Fred. He was about seventeen years old. When we heard the dogs coming, I and another prisoner who was with me, being old hands, climbed a tree. He tried to do so, but he had not got up when the hounds caught him by the foot and pulled him down, and in less than three minutes he was torn all to atoms. Turner was close behind. He got up just as the man was torn to pieces and secured the hounds, and we came down. Fred died; he was all torn to pieces. No other

of our number was torn at the same time. That occurred in the latter part of August, 1864, just before we were moved from Andersonville, which was on the 24th of August. Turner said, "It is good for the son of a bitch; I wish they had torn you all three to pieces." I do not know by whose order he came out there for us. I cannot say whether it was by order of Captain Wirz or the general commanding the post. It was Turner who usually had the hounds. He went by the name of Sergeant Turner. I believe he only captured me once. A man by the name of Sergeant Harris captured me twice before.

A PRISONER SHOT BY WIRZ'S ORDER.

I can speak of such things as shooting men down inside the stockade; I did not see it done exactly in the presence of Captain Wirz, but he got on the stockade and said, "If he don't get out of the stockade shoot him." It was in reference to a one-legged man; that was the "Chickamauga" case; the man, as we supposed inside the stockade, had been telling about our digging tunnels, reporting it to Captain Wirz; on this Sunday—I cannot give the date, but it was a Sunday—we chased him over the south gate of the stockade; he ran inside the dead-line and wished to see Captain Wirz; if I remember rightly, Captain Wirz was sent for by the sergeant at the gate; he came down there, and would not take the man outside, but told him to go inside or he would order the guard to shoot him. Somebody, it sounded like Captain Wirz's voice, on the ground outside said, "Don't parley with him; shoot the son of a bitch," and the man was shot right here in the jaw and the ball passed down here, in the breast; he died; that is the only instance that occurred there, I think, in which a one-legged man called Chickamauga was shot.

THE CHAIN-GANG.

I wore a ball and chain for twenty-five days, from the first part of July to the first part of August; there were five of us; the other boys said that they had been trying to get away; so had I; first, there was a big ball with five of us taking hold of it; then there was a little ball on the other foot; afterwards more came in, and they put one big ball to every four men; afterwards we had a kind of an iron band put around our necks, and a little chain attaching us together by the necks to secure us better; my punishment began with the ball and chain and ended with the chain-gang; I have seen men inside the stockade with the ball and chain on them for trying to get away in some cases, and in others for missing roll-call; my offence was trying to get away.

CRUELTIES COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

The first punishment inflicted upon me at Andersonville was the gagging; I cannot give the date; it was in July; the first part of July, before I went into the stocks; I think it was before the 10th; the second punishment was being tied up by the thumbs; that was inflicted just afterwards; only a day or two afterwards; the ball and chain was the next punishment; it was from the middle of July until towards the middle of August; I was attacked by the hounds about the 24th of August; I was put in the stocks after that; I remained in them eight days; I was put in the stocks two different times, four days each time; this occurred in the latter part of December, 1864, or the first part of January, 1865; that was all the punishment inflicted on me personally; I was punished for trying to get away three times, as it was told me; I was not concerned in the attempt to burrow and turn the guns on the guard; I was not able; I knew of that attempt; it occurred in July or the latter part of June; it was in opera-

tion when I was gagged, so far as I could hear; I did not belong to the party; I cannot name any one whom I know to have been engaged in it; I knew them by sight, but not by name; I don't suppose I would recognize them now, for they were almost skeletons then; the hounds had chased me once before the occasion, which I have described, when I took refuge up a tree.

(At this point, as the witness was sick, his examination was suspended.)

SEPTEMBER 6, 1866.

D. H. STEARNS, for the prosecution:

I have been in the military service of the United States; in the 1st regiment United States sharp-shooters; I was in the Andersonville prison; I got there July 8, 1864; I was put in the stockade; I remained in there one or two days; I was removed from the stockade and put in the hospital, to act as hospital steward, which was my rank in the regiment.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw shots fired into the stockade from the sentinels' boxes occasionally, as often as two or three times, perhaps, in a week; the first day after I was in the hospital I happened to be looking towards the stockade, when I saw the sentry level his gun and fire into the stockade; he rested his gun on the top of the upright post of which the stockade was built; he fired down into the stockade; I could not see the effect of the shot, because I could not see the stockade; again in the same week, two days afterwards, I saw a similar occurrence, and also several times afterwards; once or twice a week, perhaps, we would see some sentry fire at some object inside the stockade; one man was brought into the hospital who had been wounded; he was shot somewhere in the breast by a sentry; I should suppose the musket was very near when it was discharged; the wound had powder in it, showing that the musket had been held near the man when discharged; the man died afterwards, I understood; I did not see him die; the first case I saw, I cannot remember the date, was the one which I have described; this was early in August; after that I saw four, I distinctly remember, who said they had been wounded by the guard in the stockade; I saw four men who had gunshot wounds brought into the hospital; it was said they were brought from the stockade; this was after August; I understood there were more there; I didn't see them there; there were more died in the hospital of gunshot wounds, but I could not follow the same men perhaps who were brought in, because they did not come into the part of the hospital where I was; the wounded were taken to another part of the hospital; I saw one case of amputation resulting from gunshot wound; I do not know the man's name; I cannot give the date; the man was shot in the hospital by a sentry; I cannot tell for what; when I saw him a few minutes after the shot was fired, he was lying near a fire which was about twelve feet from the fence, and was shot in the thigh; the thigh was fractured; he was shot in the night by one of the guards; the limb was amputated the next day; the man died shortly afterwards; the ground where I saw him was not ground on which prisoners were forbidden to go; this was the last of August or the 1st of September; I cannot say what the man s name was; I cannot tell his regiment.

THE CHAIN-GANG.

I saw the chain-gang; I have seen from eight to twelve men at a time chained together; I saw them in July and August, almost daily, as I was passing from the hospital to the dispensary for medicine. I noticed on one occasion a man who was very feeble, scarcely able to stand; the gang were walking at the time, and those nearest him had to assist him in moving; I cannot tell what became of him; I was told he died; I do not know his name; it was in August, I should think; I cannot tell certainly.

THE DEAD-LINE.

There was a dead-line in the hospital; it was in front of the gate, only about twenty feet long, extending beyond the gate. I heard General Winder order this dead-line marked around there, and ordered that the guards should shoot any man who passed over it. I never heard anybody else than General Winder give orders in relation to the dead-line; General Winder never gave any other orders than what I have mentioned about the hospital that I heard of. None of the Winders gave any orders about the hospital, that I can repeat. One Captain Winder was in the hospital frequently, and I understood that he gave orders, but I cannot tell what they were.

CONDITION OF THE PRISONERS IN THE HOSPITAL.

Some of the men brought to the hospital from the stockade were entirely naked; some had a shirt on, some a shirt and drawers, some with drawers without a shirt; some of them appeared to have fallen into the mire that was in the swamp in the stockade, and got their clothes saturated with the filth and water, and were not yet dry. In one case, I remember, in August, a man was brought in, and the maggots that inhabited the filth had got under his clothes, and were between his body and clothes inside; a large quantity of them had collected under his clothes, and they had gone inside. They had attacked his eyes, his nose, his ears, and the openings in his body; they had penetrated the rectum, causing the man excruciating pain, so much so that, although he was much emaciated from disease, it caused him to get up after he had been in the hospital a while and go round the hospital in exertion trying to relieve himself of pain, until he was exhausted; after three or four hours he died; I could not learn the man's name; he was delirious. Among the patients brought into the hospital from the stockade were very many delirious. I saw several other cases in which men were afflicted similarly to this man with the vermin. Amputations were frequently performed in the hospital; the result of amputations there was almost invariably death; I do not remember of a single case of recovery after an operation. There were no beds in the hospital, but bunks were made in part of the hospital; they were made of boards put on poles, simply two or three boards for a patient to lie on; there were bunks in only a portion of the hospital; more were asked for on one occasion by me; I several times asked the medical officer if more could not be obtained, and was answered, that they did not know; I then asked if poles and boughs could not be procured, as wood was plenty around there; they told me in that case that the commandant, Captain Wirz, would not allow the men to go out for that purpose. I asked Captain Wirz, myself, for passes to permit the men, who had already given their parole not to attempt to escape, to go outside the hospital for that purpose. He refused me, calling me some one of his pet epithets, a God-damned Yankee son of a bitch, and told me that, if I said anything more to him about it, he would take my pass away and put me in the stockade.

VACCINATION.

I never saw the men vaccinated; I have seen the effects of vaccination, or at least they told me it was vaccination. The vaccine matter seemed to produce a syphilitic sore of a very marked character, almost as distinct as the disease itself, as I had seen it. I remember only a few cases distinctly, but there were more.

CRUELTIES COMMITTED BY WIRZ.

I saw the prisoner, Captain Wirz, while I was there. I saw him when I first arrived there. The first time I saw him, I heard some person cursing, and heard

a blow; I turned around and saw one of our prisoners who seemed to be recovering from the effects of a blow. I saw the prisoner standing near him. I should consider from the motion that he had struck the man, and the man was recovering from the effects of the blow. Captain Wirz was still cursing him, telling him that, if he did not stand up, and stand still, he would shoot him. At that time, or soon after, another man had fallen out of the ranks, being unable to stand from the effects of the heat, and Captain Wirz ordered him to get up and get into the ranks. The man did not do so quickly, and Captain Wirz ordered one of the guards to shoot him. The guard raised his musket, but the man got back in the ranks. When he threatened to shoot his man if he did not stand up in the ranks, he drew his revolver. I am certain that he used his right hand, because if he had used his left I should have noticed it.

SHOOTING OF PRISONERS BY THE GUARDS.

Cross-examined by COUNSEL:

I never saw a man die from a gunshot wound in that hospital. I saw him after he was dead, the man whom I saw shot. I never saw a man shot there. I know he was shot because he had a gunshot wound. I cannot tell how early in August this occurred. It may have been between the first and the tenth. I am not certain. I know the man was shot in the hospital because I saw him a few moments afterwards with a gunshot wound. He was lying near a fire. He had been recently injured and was bleeding yet. I don't remember that anybody told me that he was shot. I did not see him shot. I heard the shot fired. He may have been shot near the fire; I don't know.

THE CHAIN-GANG.

It was during the fore part of August that I saw those men in the chain-gang. I don't think I saw them after the tenth. I saw the chain-gang also in July, after the tenth Sometimes they were the same men, but in different numbers. I saw them nearly every day from some time about the 10th of July to the 10th of August. They were near the southwest corner of the stockade, outside, not near the hospital; between the hospital and Captain Wirz's headquarters. I have not heard the description of other witnesses as to where they were. I have no means of knowing whether it was the same lot described by other witnesses. I have noticed changes in the chain-gang; a difference in the number. I have seen as many as twelve, perhaps more. I cannot tell what day it was that I saw twelve.

SEPTEMBER 6, 1865.

ALEXANDER KENNELL, for the prosecution:

I was in the military service of the United States from September 26, 1862, till June 24, 1865; in the 7th Ohio cavalry. I was a prisoner at Andersonville from February 27, 1864, till September 7, 1864, and from December 25, 1864, till April 19, 1865.

THE STOCKS.

I know the prisoner, Captain Wirz. I have seen men who were balled and chained, and also men who were bucked and gagged by his orders; I have seen them put in the stocks. One special act which I know of occurred last February. In that case a man was taken out of the stockade in the evening about 4 o'clock, and kept in the stocks all night. He was turned into the stockade the next morning at nine o'clock, and he died in less than eight hours. He died in the stockade. He was apparently as healthy as any of the prisoners in the stockade.

He was kept all night in the stocks, which were outside the stockade. It was supposed that he died from the effects of the stocks. It was a very cold night. I talked with him an hour before he died. He was impressed with the belief that he was chilled to death that night in the stocks. He did not expect to live, from his conversation. He did not eat anything after he came into the stockade. He told me that he was kept in the stocks from the time he was taken out until about 8 o'clock in the morning. He was chilled so thoroughly that he was insensible. I helped to carry him to the gate after he died. I did not know his name; I never inquired it. He belonged to a Pennsylvania regiment. I am certain that it occurred about the 15th of February, 1865.

THE CHAIN-GANG.

In one case I had a conversation with a man in the hospital who had been taken out of the chain-gang, and I saw his body carried to the dead-house three days after I had the conversation with him. He told me in that conversation that he had not been able to walk since he had been taken out of the chain-gang. He died in the hospital. That was in August, 1864. I cannot tell how long after he had been taken from the chain-gang that he died. It was about the 13th of August when I had this conversation. The man was very much emaciated, and was sore in the ankles where the ball had been put on. There were no other marks on his person, that I saw. I can speak of no other instances, except of men whom I have seen confined in the stocks for some time.

Cross-examined by COUNSEL:

The incident which I last described occurred about the 13th of August. I saw the man in the chain-gang several times in July. I know that he had been in the chain-gang. I had seen him there. I saw the chain-gang every day. He died from being in the chain-gang. He did not describe to me being in the chain-gang at any particular time. He only stated to me that he supposed he would die from his sufferings in the chain-gang. I don't suppose he had been in different times. The time I saw him in was in July. He did die in August from what he suffered in the chain-gang. That is not what he told me. I saw him after he was dead. When he told me that he expected to die from the effects of the chain-gang, he did not specify any time; he said that he expected to die from the treatment he had received while in the chain-gang. I did not see him in the chain-gang at any time, except in July. I saw him in the hospital before he died. I saw him in the chain-gang from the 1st to about the 10th of July, never after that. What he related to me is all I know of his having died from being in the chain-gang. He had never been able to walk, he said, from the time he had been in the chain-gang.

SEPTEMBER 6, 1865.

WILLIAM WILLIS SCOTT, for the prosecution:

I am in the military service of the United States; in the 6th West Virginia cavalry. I was a prisoner at Andersonville. I was captured June 26, 1864. I remained at Lynchburg, I think, three weeks, and I arrived at Andersonville, I think, the middle of August.

WIRZ BEATS A PRISONER WITH HIS REVOLVER, CAUSING HIS DEATH.

I know Captain Wirz very well. I saw him commit acts of cruelty on prisoners. In one case I was coming down after a bucket of water. I belonged away up in what they called the new stockade on the north side. Captain Wirz was coming in. A sick man was sitting on the side of the bank. He asked Captain Wirz if he could get out; Captain Wirz turned around, gave him a kind of sour

look, and said, "Yes, God damn it, I will let you out," and with the revolver he struck the fellow over the head and shoulders several times. The fellow went to his tent then. On the third morning, I think, I made it my business to go down and see him. He was dead. He had died the night before. I saw him. I suppose he died from the effects of the beating with the pistol. He was pretty badly bruised around the head and face. I think he beat him with the butt of the revolver which he had in his hand. I don't remember which hand he used. He knocked the man down the first blow. I think this was about the 25th or 26th of August, 1864. I cannot give the man's name. I did not inquire about that. I just came down to see if he was much the worse for his treatment, and I did not inquire any further.

WIRZ SHOOTS AT A PRISONER.

I saw Captain Wirz on one occasion coming in between the stockade and the dead-line; one of his own guards was up above, and a stone or a brickbat, I cannot tell which, was thrown down and hit Captain Wirz on the back. His own guard threw it; I saw the guard throw it. Captain Wirz wheeled around on his horse and there was near him one of our prisoners coming out of his tent. He shot and struck the man on the head. He made no inquiries before firing. He never made any inquiries or looked. He just rode on. He cut off the skin of the fellow's head along with some of the hair. He was only stunned a little; he got up and went into his tent. Captain Wirz did not make any inquiries at all.

WIRZ BEATS A PRISONER WITH HIS REVOLVER, CAUSING HIS DEATH.

Cross-examined by COUNSEL:

I was coming down from my own shed. This fellow was standing on the street, which they called the main street, when he asked Captain Wirz to let him go to the hospital. I was near enough to hear what he said. I was just a little above him. There was not a crowd around him; he was all alone.

By the COURT:

I mean there was no crowd around him. There were other men over from him. It was right up from the main gate, where the rations used to be brought in—the north gate.

By COUNSEL:

I did not hear or see the men do anything. I suppose they were all waiting to see Captain Wirz about something. He was just after coming in.

SEPTEMBER 6, 1865.

L. S. POND, for the prosecution:

I was in the military service of the United States; in the second New York heavy artillery. I was a prisoner at Andersonville. I was there about four months—from the 28th of June, 1864.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I know Captain Wirz. I saw him at the time of my arrival. The first thing he did was to order us into the ranks and count us off into "nineties," or he ordered sergeants of our own men to count us off into "nineties" and take our names. Then the prisoners were ordered to be searched for money or anything else they had about them. The men were searched by confederates—sergeants or corporals, or lieutenants; I could not tell what they were. I saw blankets taken away from two or three men, whose names I took, and also two or three canteens.

I saw Captain Wirz take the daguerreotype of a lady and two children, belonging to a man of one of the Michigan regiments. He was captured at the same time that I was, and was taken to Andersonville the same day. The man seemed to try to hide the picture away from the guard; but the officer searching him noticed him trying to hide it, and mentioned it to Captain Wirz. Captain Wirz ordered him to give it up, and he gave it up. Captain Wirz looked at it a moment, threw it on the ground, and stamped his heel on it like that (imitating the action.) I afterwards learned that the man's wife was dead, and that the picture was all he had to remember her by. He did not make a request to have the picture given up to him. There was a daguerreotype taken from another young man, the picture of a young lady. I think it was the lady he was waiting on. They passed it around and looked at it. Some of them made very vulgar remarks about the picture, stating that they would like to sleep with the original, and other remarks of that kind. The young man requested the picture to be returned to him. One of the officers pulled a revolver out of his pocket, held it up to the man's head, and said: "I'll give you that, you damned Yank." I suppose they appropriated the picture to their own use. It was not returned.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a sentry on guard at the stockade fire at men near or within the dead-line. I saw one man shot about the middle of July, 1864—from the 15th to the 30th. He was reaching under the dead-line for some water cleaner than he could get below it. The guard deliberately fired at him. He was knocked over and partly floated in the water. The boys took him out. The sentry said: "There goes for ten days' furlough." I do not know whether the sentry was relieved at the time or not.

MEN BITTEN BY THE DOGS.

I have seen prisoners torn by the bloodhounds. I saw two fellows dressed in confederate clothes, and who had got out of the tunnel. They were men who tented in the same part of the stockade with me. They had been out some days and were set upon by bloodhounds. Their legs were torn, and one of them was torn in the arms. I saw the men wounded in the legs and arms. I was in the stockade when I saw them. They had been caught and brought in.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was not there during the cold weather. I got out from the stockade some time in the latter part of September or fore part of October. I was sergeant of a "ninety." We called a division 270 men, a detachment 90, and a squad 30. Three pieces of wood, four feet long, and perhaps two inches in diameter—just as they came—was for 270 men for three days. I sent out a number of men to the hospital, and I always bade them "good bye," never expecting to see them again. That was proverbial among the soldiers there.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I saw the prisoner commit acts of cruelty towards sick men. He came into the stockade one day, I think it was in the month of August; (I had a memorandum of every circumstance that happened, but I lost it; I never tried to commit them to memory.) The men were ordered to fall into ranks to be counted off. We were playing what we used to call "roots" with them. That is, we used to go into three or four different squads if we could, so as to get an extra ration. There was a very sick man there, who could not stand upon his limbs,

and Captain Wirz ordered him to fall in to be counted off. The man could not fall in, and he told him so. Captain Wirz kicked him three or four times, and said: "I will learn a damned Yankee who tries to 'play roots' upon me."

Cross-examined by COUNSEL:

Captain Wirz never hurt me. I never heard him threaten any one except the man whom I saw him kick.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

By the COURT:

I was not searched. I suppose I was a privileged character on account of my taking command of a squad. Nothing was taken from me.

By COUNSEL:

I have designated these daguerreotypes, and I have seen blankets and canteens taken. I think I saw three blankets taken, and two or three canteens. I saw squads come in with canteens and knapsacks. They did not come in as frequently with them as without them. I belonged to the army of the Potomac. I did not belong to Stoneman's cavalry.

CRUELTIES COMMITTED BY WIRZ.

SEPTEMBER 6, 1865.

RUFUS MUNDY, for the prosecution:

I have been in the military service of the United States; in the seventy-fifth Ohio. I was captured on the 26th January, 1865; and about the 1st or 3d of February, I got to Andersonville. I know Captain Wirz. I saw him commit acts of cruelty towards our prisoners. It was one day, about the 21st of February, 1865. We used to borrow shovels to build our sheds. After a hard rain the sand would wash and we would have to build them over again. There was a shovel missing. Next morning we hauled up in line; Captain Wirz was there. There was one man who was sort of sick or weak—something was the matter with him. He undertook to sit down and was a long time getting in rank. Captain Wirz ordered him up, and picked up a piece of a brickbat and threw it at the man, striking him alongside of the head, about the lower part of the ear. The man keeled over. That was on the 22d of February, 1865. I also saw him kick a young man in March, of the same year. I did know his name, but have forgotten it.

COUNSEL FOR THE DEFENCE objected to the testimony and asked the judge advocate to state to what charge and specifications this evidence referred.

The JUDGE ADVOCATE stated that the prisoner was charged continuously, from a certain date to a certain date, with cruel treatment to prisoners. He is charged with inflicting cruel, unusual, and infamous punishment, for slight and trivial offences.

After deliberation, the objection was overruled, and the witness continued.

About the tenth of March we were hauled up into line on account of one man being missing, who had gone out for wood the morning before. We were all hauled up in line to find out if that man had returned. Captain Wirz said that if he could not be found he would stop our rations until the man returned. The rations were stopped in my mess, and I think altogether in the 90, for two days. I know that I had nothing nor had any of our sergeants anything. I was attached to the third division, second hundred, third mess; I was No. 23 in the mess. This young man was sitting down; he had been standing in the ranks for probably an hour, and got tired and sat down. He was in the rear rank, beside me; Captain Wirz told him to get up; I suppose the soldier did not hear him; and Captain Wirz came up and kicked him; when the man got up he was

bleeding very freely from the mouth or nose. I believe that soldier was sick. I know he had been in his shed for several days. I saw the hounds at the prison. I never saw men who had been bitten by them. I heard complaints made to Captain Wirz about our treatment there. Captain Wirz was in there one day about the latter part of March, 1865. There was a great talk about our being exchanged, and one of the men asked him if we would be soon exchanged, and Captain Wirz told him there was no use of asking any questions. I believe I have told all I know, all of any importance.

Mr. BAKER called the attention of the court to the fact that the only specification presented under the first charge is, that the accused subjected the prisoners "to cruel, unnatural and infamous punishments upon slight, trivial and fictitious pretences, by fastening large balls of iron to their feet, and binding large numbers of the prisoners aforesaid closely together with large chains around their necks and feet," and he objected to evidence being given of other promiscuous acts.

The COURT. That question has already been decided and the objection overruled.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

SEPTEMBER 6, 1865.

ABNER A. KELLOGG, for the prosecution:

I have been in the military service of the United States; in the 40th Ohio infantry; was taken as a prisoner of war to Andersonville. I was there from the 21st of May, 1864, to the 15th of November, 1864. I saw acts of cruelty committed by Captain Wirz upon prisoners there. The first day we got there we were taken to the headquarters and counted off in nineties. Some blankets were taken from some of the boys, and canteens, pocket-books and watches. They were taken into Captain Wirz's quarters. I do not know what became of them afterwards; the men never got them back After standing four or five hours in the sun we were put in the stockade. I was taken to the hospital in September.

SHOOTING OF THE PRISONERS BY THE GUARDS.

I saw one man shot on the dead-line. The man was supposed to be crazy. He crossed the line and was ordered back by the sentry. He did go back; the men commenced to halloo and scared him and he rushed back again, when the sentry fired upon him. That was on the south side, I believe. That was not the "Chickamauga" case. This was between the 5th and the 10th of July, I believe. He was not attempting to escape. He did not know what he was doing, I guess, from the looks of him. Some young man in the crowd asked the guard why he shot that man, as he was crazy. The guard replied that he was acting under orders. The young man asked him who gave those orders, and the guard said Captain Wirz.

THE RATIONS.

I was in a crowd of five or six one day in June, 1864. It was in wet weather. One of the young men showed Captain Wirz a ration of bread and asked him if he expected men to live upon that; Captain Wirz said that he did, that that was what he gave it to them for. The man said that they could not stand it, and asked him if he would not give them some soft meal bread, something to keep them alive. Captain Wirz replied, "it is good enough for any damned Yankee."

TREATMENT OF THE SICK.

I saw one sick man carried up to the gate. He had a sore on his back about the size of the crown of my hat. It was full of maggots. He waited some twenty-four hours at the gate to be carried out to the hospital. The sergeant of the detachment to which he belonged asked Captain Wirz to have the man removed to the hospital. Captain Wirz said, "it isn't worth while, let him die there;" and he died, lying there by the gate. That was in the month of August, 1864.

Counsel for the defence declined to cross-examine the witness.

SEPTEMBER 6, 1865.

SIDNEY SMITH, for the prosecution:

I was in the military service of the United States. I was in the 14th Connecticut when I was taken prisoner. I was taken to Andersonville. I was there from the 23d of May, 1864, to the end of September, 1864.

CRUELTIES COMMITTED BY WIRZ.

I know Captain Wirz. On the 7th of September, 1864, I saw him knock a man down with a revolver. I do not recollect in which hand he held the revolver. The soldier was taken back inside the stockade, and I never saw him since. It was the day the prisoners were taken to Savannah. I belonged to the 89th detachment, and tried to get out with some of the first ones, and went outside for that purpose. I "flanked" out. There I heard this remark from Captain Wirz, that the first flanker he would catch he would shoot him. A flanker means a man going into a wrong detachment. This soldier who was knocked down with a pistol was out there with a detachment to which he did not belong. The roll was called and he was left out, his name not being on the roll. Captain Wirz knocked him down and told him he was a flanker, and he was sent back to the stockade.

COMPLAINTS MADE BY PRISONERS.

Complaints were made about our rations and treatment. I have signed one letter myself, and sent it, stating that we suffered a great deal. It was dropped in the letter-box. There was no notice taken of it. We never received any answer. I never heard Captain Wirz make use of any language with reference to it. I never spoke to him myself.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw prisoners who were shot by sentries. I have seen a man shot going for water, leaning over the dead-line. I have seen the sentries fire, and I afterwards saw the man carried from the place wounded. I have heard sentries say that they got thirty days' furlough for shooting prisoners. My tent was right close by the dead-line, and I asked the sentry once if it were so, that they got furlough for shooting men. He said yes, they got thirty days' furlough. Almost every time a man was shot the sentry was relieved and taken from his post. The corporal of the guard would come up and inquire what the firing was about, and would bring another man and would relieve the sentinel. I saw Captain Wirz at sick-call. I have seen him standing once at the gate when the sick men were crowding and pushing at the dead-line. Captain Wirz said to one of the guards, "Give them the bayonet, the damned Yankees." The sentinel did not charge bayonet on them. At that time I saw

a sentry shoot one of the sick men at the gate. It was in August, 1864; I cannot state the date. The sick men behind were pushing the men in front, and some of them got over the dead-line. The sentinel stepped back one step and aimed. One man thought the sentinel aimed at him, and he took the gun to prevent him shooting him; at the same time the sentry fired and split the man's arm open, and at the same time hit another man in the hip. I did not see Captain Wirz there. No warning was given to prisoners about the dead-line. On the 23d of May we were drawn up in line in front of Captain Wirz's office, and had to wait there for about three hours in the sun until he came to count us off. All that time the rebel soldiers would not dare to give us water. We asked for water, and they said they had orders not to give us any. Captain Wirz came and made us fall in and counted us off in detachments. I never was told about the dead-line, and when I saw it I thought it must be just a pleasure walk for the prisoners to exercise in. I was not there half an hour before I was told what it meant.

CRUELTIES COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

There were in all, I think, one hundred and thirty-five detachments, perhaps more. They commenced to be taken out four detachments at a time, the first, second, third, and fourth. Every prisoner tried to get into one of the first detachments, and they would mix themselves up in detachments going out. They were called "flankers." This man, who was assaulted by Captain Wirz, was one of those flankers. The flanking was done very often. I tried it myself, but I took the hint and went back into the stockade, and was afraid to go out again. When these detachments were going out there would be a large crowd trying to get out, pushing and hauling and trying every way to get out. The man was shot in the arm inside the stockade. The sick men were waiting at the front gate to be taken out. It was a usual thing for these flankers to be trying to get out. It was only this one time, when the men were going to get exchanged, that the flankers tried to get out. Those men who were sent to the hospital were carried in blankets, and they could not push. There was generally a crowd at the gate when squads were going out for wood. Flankers would not try to get out there. The men went out by detachments. The sergeant would call the numbers and the men would step forward and march out. There would be others attempting to get out at the same time, but they could not do it unless there was a favorable chance. That was going on all the time there was a favorable chance.

SEPTEMBER 6, 1865.

GROTTFELD BRUNNER, for the prosecution:

I have been in the military service of the United States. I belonged to the fourteenth Connecticut. I was a prisoner at Andersonville. I went there on the 22d of February, 1864, and stayed there till September, 1864.

CRUELTIES COMMITTED BY WIRZ.

I know Captain Wirz. I saw him commit acts of cruelty towards prisoners. When I went to Andersonville Captain Wirz was not in command. I believe a colonel of the twenty-sixth Alabama was in command, and we were treated well. In the latter part of March Captain Wirz took command of the prison, and from that time we were treated very badly. Captain Wirz came in every morning and called the roll, and if one man was missing from a detachment, the whole detachment was deprived of its rations until the man was found or accounted for. One morning I was not able to stand up. Captain Wirz came into my tent. I do not like to state the language he used. He pulled out his revolver

at me and said, "Get up, you Yankee son of a bitch, or I will kill you right on the spot." I said I would be better off if he would kill me. He took me by the hand, threw me out of the tent, kicked me on the back, and made me go to the roll-call. I was sick at the time. That was about the latter part of March, 1864. I have seen men shot there, and I have seen men bucked and gagged there. I recollect the time that we did not get rations for three days, and another time for two days. The first time was in April, and the second time in May. I knew a man to be bucked and gagged for not being present at roll-call. I don't recollect the date. It was done by Captain Wirz's order. I know nothing else.

A PRISONER SHOT BY WIRZ'S ORDER.

I have seen a cripple shot inside the line—the man they called "Chickamauga." Captain Wirz came into the stockade one afternoon; Chickamauga stepped up to him and asked to be taken out; Captain Wirz refused to allow him to be taken out, and said, "If you don't go back into the line you will be shot." Chickamauga went into the line, and our own men were pulling him off not to go in, The guard was pointing with a rifle to kill him; Captain Wirz ordered the sentry to fire at him. At first the guard would not. Captain Wirz went outside of the stockade, and as soon as he went out the guard fired and killed the man dead. I saw Captain Wirz afterwards at the sentry-box by the side of the sentry who fired. I did not hear Captain Wirz make any remarks then; I heard him once make the remark that he had plenty of powder and lead to kill Yankees. I do not recollect when he used that expression. The boys used to go to the gate; some ladies were standing at the gate who had come to see the camp, and one of them asked what the Yankees came to fight them for. One of our own men made a speech, so that the ladies began to get angry. Captain Wirz came and said, "Get away, you Yankee sons of bitches; I have plenty of powder and lead to kill you." The Chickamauga matter was about the latter part of May.

Counsel for defence declined to cross-examine the witness.

PRIVATE PROPERTY TAKEN FROM PR'SONERS.

SEPTEMBER 6, 1865.

THOMAS H. HORNE. for the prosecution:

I have been in the military service of the United States; in the 102d New York volunteers; I went to Andersonville on the twenty-ninth of July, 1864. I saw Captain Wirz the day I arrived there. We had a thousand men, half of those that were taken prisoners at Atlanta; he addressed the men in the line, and said that if they did not behave themselves he would shoot them on the spot. The rebel sergeants took what they wanted from us, it made no difference what, blankets, coats, and everything else. They took money and watches from men and took blankets from some of them. I saw the rebel sergeants give the money and watches to Captain Wirz; I stood close by Captain Wirz when he took them, and that is the last the men ever heard of them so far as I know. They took two or three small articles out of my knapsack; I had five shirts on which they did not take, and I had two ten-dollar bills in my mouth. They took a case-knife from me, a fork and some note paper. The men had to take off their knapsacks and haversacks and leave them on the ground to be opened; there was some one hundred dollars taken from a young man standing close by me. I saw as many as three watches taken from men right by me.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When I was first put into the stockade I tried to find a place to lie down, but it was a pretty hard matter; I went to two or three places, but it was of no use.

One man said that I could not lie down there. Pretty soon I had to fight for a place to lie down on. There was no room there, and they said we had no business there. Of course I got a place after a while The men were perfect skeletons where I lay. They were in the worst kind of a state, half naked, filthy, lousy, too sick to get up; I lay on the ground many a night when I couldn't sleep; sometimes on account of men around me groaning in agony. When I would wake up in the morning I would see men dead all around me, perfect skeletons. One man died and lay there so long that he could not be taken out, and they had to bury him where he died.

SHOOTING OF PRISONERS BY THE GUARDS.

There were men shot there. There were a great many men crazy in there, who got crazy by being exposed to the weather. I saw a crazy man go into the dead-line and be shot. The ball took effect in his head; that was in the first part of October, 1864. I did not see Captain Wirz at the time. The man died. I saw another crazy man go inside the dead-line, and the guard fired at him and missed him. The ball did not hit any one else. That was in the same month—October. I saw a man shot who had not touched the dead-line. It was at the side where the brook came in; it was on the hill, not near the spring. I heard the shot and I went and saw the man dead; he was dying when I got there and he died before I left. He was not quite at the dead-line. Captain Wirz was there; I heard him say something to the sentry on guard. I did not understand what it was, as I was not close enough to hear him. I have heard as many as twenty or thirty shots, and have sometimes heard balls pass over my head, in the months of August, September and October, 1864.

STOPPAGE OF RATIONS.

Our rations were stopped once for three days because men could not attend the roll-call. There were so many men sick lying in a helpless condition on the ground starving there, who could not get to roll-call. The sick men's rations were stopped. It made no difference whether they were sick or not; it occurred twice that I know of, once for two days and once for three days. The first time was about the middle of August, and the next time was in September.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

Cross-examined by COUNSEL:

I saw two silver watches and one gold watch taken from prisoners. I do not know the man's name from whom the gold watch was taken. He was an ordinary soldier. I do not know where they got those watches. All of the money that was taken from them was greenbacks. Two thousand were taken prisoners when I was taken. One-half got to Andersonville the day before the other half. I did not lose anything except my fork and knife and note paper. They took no clothes from me; they took clothes from others; I do not know from how many. I saw clothes taken from as many as four or five in that squad. We were all in a line to be searched before we were put in prison. Those clothes that were taken away consisted of coats, blankets, and tents. All I recollect seeing taken away were three watches, a hundred dollars, and clothing from four men. These men stood close by me.

SEPTEMBER 7, 1866.

BERNARD CORRIGAN, for the prosecution:

I have been in the military service of the United States; in the second Ohio regiment. I was taken prisoner. I was first taken to Richmond, then to Dan-

ville, and then to Andersonville. I got there in May, 1864. I saw the prisoner there. I saw him when we arrived at the railroad depot. He gave orders to have the men fall in again at 3 o'clock to have lists of their names taken.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a federal prisoner shot at the south gate. I do not know his name. It was in July, a few days after the men were hung. We were going up for medicine in the morning. This man happened to have two tin cups in his hand. Captain Wirz told the guard that if he did not keep the men back he would punish him. The guard said he could not keep the men from crowding. Captain Wirz said, "You have a gun, and if you do not do as I tell you, I will take you off and punish you" Captain Wirz turned his back and started off, and the guard fired right among the crowd and shot this man. I never saw the man again. The six men that I saw hung were the men they called raiders. I have seen several shot around there, but I cannot recollect the dates. They were shot in July and August. I saw five or six altogether. One was shot down near the cook-house, where the stream comes out, and another at the opposite side. The one I saw shot at the cook-house was a cripple, I suppose. He was a man with one leg. The other was shot on the other side where the sink was, at the lower end of the stream. The man's head was near the fence. He was lying down when he got shot. He was not on the dead-line. His head was right under the dead-line at the time he got shot. The guard just fired and shot him and killed him. I do not know what the man was doing. I came up and there was a whole crowd around him. That was some time in August. The man died. He was hit somewhere about the shoulder. I know of two who were shot at the hospital. It was in the month of August. I do not know what they were shot for. They were washing clothes at the stream. One went on the off side and got shot. The other was shot on this side of the stream with a pair of boots in his hand which he wanted to trade with the guard. I did not see Captain Wirz at that time. Both men died. The men who shot them were on guard there.

CRUELTIES COMMITTED BY WIRZ.

Captain Wirz struck me for not answering my name; they called me "Colligan" instead of "Corrigan;" my proper name is Corrigan; he took me down to the gate and tied me hand and foot, with a bar between my legs, for saying he ought not to treat a prisoner so, when he hit me on the head with a revolver; I do not know what hand he used; I know that he used both hands in tying me.

By the COURT:

I mean to say that Captain Wirz tied me.

MEN BITTEN BY THE DOGS.

I saw one man who had been bitten by the dogs; he looked pretty torn; he was torn in both legs and hands, and had a piece of his ear cut off; he was carried to hospital next day; I never saw him afterwards; I do not know his name; I think this was in May, 1864.

SHOOTING OF PRISONERS BY THE GUARDS.

Cross examined by COUNSEL:

I was taken to Andersonville in May, 1864—about the 17th of May; I was not alone; there were 1,000 or 1,500 of us together; we were taken from the railroad to the stockade; we went from Danville to Andersonville; it was in the

month of July, 1864, that I saw the first man shot—the latter part of July, after the six men were hung; there might have been a hundred or two hundred there at the time; I could not swear what crowd there was there; I was hunting medicine at the same time myself; I had the scurvy very bad; they were not pressing very bad at the gate; they were all trying who could get out quickest; the guard every once in a while would tell them to stand back; they were all trying to get through as quick as they could; the guard was standing on the ground; the guards did not use their guns against us before they fired; the guard had his hand on the trigger; he told them to stand back and shot; there were a few guards back at the gate; this guard was through where the dead-line was; the other guards were not immediately up to the crowd; some guards stepped up there after the man was shot, and some three or four of our men took hold of him and carried him out; I saw Captain Wirz turn his back and go away after giving the order at the time the man got shot; he turned his back before the man got shot; his orders were if the men did not keep back to shoot, and the guard did so; when I saw the guard shoot the third man, I stood about ten or fifteen yards off, over in a crowd of tents right near where the man was shot; I did not see anything of it till I heard the report of the gun; I did not see him before he was shot; I saw where his head lay after he was shot; I saw the guard before and after I heard the gun fired; I did not see Captain Wirz there then; I do not know what the man was shot for, only from what was told me; I could not certainly state what day in August it was; it was about the 16th or 17th to the best of my opinion; that is about as near as I can come to it; I do not know that it was the latter part of August; I have given you my opinion as far as I could; it is only a rough guess.

THE HANGING OF THE RAIDERS.

I was present when the six men were hung; I was convenient to that place; I had nothing to do with the trial of them; I did not belong to that crowd; they were hung by our own men; they were hung by Captain Wirz's order; they were brought in and hung; one man broke the rope and thanked his God that he was saved, but they took him up, put the rope on him again and hung him; I saw Captain Wirz and heard him when he brought them in; the crowd gathered up and was so big I could not say what he said; I suppose he gave them up to our own men to be hung; I could not swear it, the crowd was very great; I did not see him commit any acts of violence upon them.

By the COURT:

I suppose he brought the men from the stocks; they had been taken out three or four days before; that is what I heard about it; some of the sergeants went out, and there was a jury over them, and they were found guilty; I don't know whether they were tried outside the stockade or not; I don't know from where the rope came with which they were hung; I guess it came from outside the gate; there were not many ropes inside.

CRUELTIES COMMITTED BY WIRZ.

By the COUNSEL:

It was on the 17th of May that I was tied up; I had been doing nothing; it was for not answering my name as "Colligan" instead of "Corrigan;" I never gave any wrong name; I suppose they took it down "Colligan;" it was outside the stockade when they were calling the men in by name; it had nothing to do with providing for the number of rations; there was nothing at all about rations; they were counting them by their names and passing them into the stockade.

MEN BITTEN BY THE DOGS.

I did not see the man bitten by the dogs; I saw him after he came into the stockade; he lay down by my tent and they took him out to the hospital next morning; if I had not known anything about the dogs, I would have supposed that he was bitten by dogs; a piece of his ear was cut off and his leg torn, and his pants also torn, and his arm; the man came to me and told me that he had been bitten by the hounds; that is the way I know he was bitten; that is the only way I know it, just from what he told me; I could not be certain what part of May it was; I suppose it was the 14th or 15th of May.

By the COURT:

I don't know whether the man died from the effects of the bite; he was taken to the hospital; I never saw him from that hour; I suppose he had escaped from the hospital, because he told me he had escaped.

SEPTEMBER 7, 1865.

JOHN W. CASE, for the prosecution:

I was in the service of the United States; in the 47th New York regiment; I was a prisoner at Andersonville; I arrived there about the 20th of August, 1864, and was put into the stockade; I remained there until the 17th of September, 1864.

THREATS OF WIRZ.

I saw the prisoner there; he looked about as he does now, sick; on the 17th of September, those who were sick or wounded got an order, if they could get to the depot without assistance within half an hour, to do so; we were about to be exchanged; I could not get into the car with my crutches, the door was so low; Captain Wirz took his pistol and called to me, "you damned Yankee son of a bitch, get in there or I will blow your brains out;" he used his right hand; I recollect that distinctly.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a man shot in the stockade the first night I arrived there—about 3 o'clock in the morning; I got out of my bunk, in the shed, and as I got out somebody fired at me, and hit another man inside and killed him; I do not know the man's name; I do not know what regiment he belonged to; Captain Wirz was not present at the time; I was not within four feet of the dead-line when the shot was fired; the guard, I expect, was about twenty-five feet from me; he said something after he fired; he hallooed, "Yank, I am going to shoot;" I saw another man shot there; the next was a man who was lying asleep, pretty near the new shed, on the north side of the stockade; I do not know the man's name; he was a Swede, I believe; no one there knew his name; one of the sentries shot him; he was killed; he was shot right through the head; that was the last of August, I think; the sentinel said nothing that I heard. I saw a crazy man shot there; that was in August, I believe, about the next day, I reckon, after the last one; he was shot right in the breast; he died; I did not know his name; he was shot in the stockade behind the shed; he was not on the dead-line; he was about ten or twelve feet from it, I reckon; he was trying to build a fire when he was shot; I saw others shot, but I do not know exactly where; I saw a man shot who was pegging down the corners of his blanket; on the north side of the stockade; I was on crutches and could not get round easily; I do not know whether he died or not; he was hit right in the forehead; when I saw him he looked as if he was about "gone up;" I do not know his name; I did not in-

quire, I was so disgusted; it was a common occurrence shooting men; every night I could hear them hallooing "murder," all the time; I have frequently heard guns fired by the sentinels; they used to get furloughs when they would kill a Yankee; the sentinels said they got thirty days' furlough for killing a Yankee; if they did not kill him they did not get a furlough, I believe.

Cross-examined by COUNSEL:

I never knew of a sentinel getting a furlough for shooting a Yankee; it was never possible for me to know it; I know a person who does know it; Mr. Tipple, I believe, knows that to be a fact; he is in Fulton county, New York, unless he is here; he is the gentleman who informed me; I heard the sentry say so myself; I heard him say "we get a furlough for killing a Yankee, thirty days;" that is all I heard him say; I never heard a sentry say that he had got a furlough; I only heard the common remark that when they shot a man they got a thirty days' furlough for it; that is all I know about it; I was about three feet from the fourth man I saw shot; I saw the sentry when he fired at him; it was along in the afternoon, about 2 o'clock, I reckon; I had no watch; they took what watches we had; I did not say it was a common thing to see them shooting Yankees in the night time; I could not see them shooting in the dark, but I would see the men next morning dead; that was the best evidence; I could not see men shot at night, from where I was, but I know it was a fact; I heard the crack of the guns, and the next morning I saw them started to be taken out; I do not know they were shot by the guns I heard at night, but I should judge they were; it was a very common occurrence in the night, more so than in the day time; I should judge it was a good deal more so.

THREATS OF WIRZ.

Captain Wirz did not touch me; he only threatened to blow my brains out; he did not do it; I was wounded in the left foot and ankle, and was seven months on crutches.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863–'4.

SEPTEMBER 7, 1865.

EDWARD RICHARDSON, for the prosecution:

I reside at Albany, Georgia; I have lived there about twenty-three years; Albany is between forty and fifty miles from Andersonville; I was at Andersonville in 1863; I have been there every year, more or less; I was there almost every month in the year 1863 up to August; I do not think I was there after August; I saw storehouses at the Andersonville depot; there was one belonging to the railroad company and one to the government; the government one was 150 to 200 feet long, 45 or 50 feet wide, and 45 or 50 feet high; provisions for the soldiers, and for the prisoners, I believe, were stored in it; I saw sometimes more and sometimes less; there seemed to be a good deal of provisions there; there were a good many to be fed there; I never saw the storehouse empty; I believe there was a pretty good corn crop made in 1863; there was not much wheat; there were a good many sweet potatoes; there was not much cotton made that year; in 1864 there was a good deal of wheat planted, but about the time it was fit to be gathered, it rained for about two weeks and the wheat sprouted; there was very little of it fit to use; in almost all southwestern Georgia there are large plantations, and the planters raise vegetables only for their own use; there is no market to carry them to; Albany is the largest place between Macon and Tallahassee; there is no market near Andersonville; they used to send watermelons and such from Albany to Andersonville; there were no peaches in southwestern Georgia in 1864; they were all killed; they sent some sweet potatoes from Albany to Andersonville; there were plenty of them in 1864, I believe.

TREATMENT OF THE DEAD.

I was at the burying ground at Andersonville several times—almost every time I went there; the trenches were dug about seven feet wide and two and one half or three feet deep; inside that they would dig another one, leaving a shoulder of six or eight inches; the bodies were laid lengthwise and then covered with puncheons before the clay was put over them; puncheons are pieces of logs split out something like rails; the atmosphere was not pure. I was there in June, July, and August, and, I think, toward the latter end of May.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863–'4.

Cross-examined by COUNSEL:

I was inside of the government storehouse at the depot almost every time I was at Andersonville. I must have gone there half a dozen times in the course of two or three months. I do not think the storehouse was half full on an average. There were bacon, sirup, and corn meal in it, I think. I may have seen at one time forty or fifty barrels of sirup. I do not think it ever averaged that number. I do not recollect that I was ever there when there were no barrels of sirup. I do not know what proportion of the bacon was in hams. It was in boxes, sometimes the boxes contained all "middlings" and sometimes all "shoulders;" the whole of it I designated as bacon. None of it was hung up there, it was all in boxes. There may have been ten or twenty boxes of bacon. They did not keep it there all the time. There was more or less of it shipped every day. I cannot form any idea how many bags of meal there were. I had no duty at all at Andersonville. I merely went up there from Albany, thinking that I might see some of my friends there, but I never had a chance to see any. The cars would get there about eleven and return at one, and I used to go up on the one train, and back on the same. Sweet potatoes are generally dug and gathered for market the last of September and October. I have seen them dug as early as the 4th of July. They are sometimes gathered in July, but only for family purposes. I do not know that I ever saw any sweet potatoes at Andersonville. I never saw farmers taking them there for sale. I never saw any vegetables there but watermelons, which used to be sent up from Albany. I saw a car load sent up there. The confederate soldiers generally used to buy them or get the most of them. There were none sent up for the prison that I know of. I have no reason to believe so. I believe they were sent up there to be sold. I believe the confederate soldiers bought them when they could get them. The Union prisoners were in the stockade, except the few who were on parole outside. They begin to cut the wheat the last of May or first of June, but they do not get much to market till the fall. They shuck it up and put it away till the fall. They do not get it to market before September. It was brought in all the time at Albany. That was the tithing place where one-tenth of all the produce was carried in. The farmers would carry in no more than they were obliged to, to furnish that tithing. There was a large wheat crop planted in 1864, but it rained so much that the wheat sprouted and the crop was spoiled. It was not fit to use. It was consumed there. That is not much of a wheat growing region. They generally buy their wheat in Tennessee and upper Georgia. There was no wheat raised there to supply the army in 1863. They had not begun to plant wheat there very much in 1862 and 1863. There was no garden truck raised about there by planters except for their own use. Most of them raised enough for their own home consumption. The people about Albany generally had gardens of their own which they cultivated. They were badly troubled for seed. The seed began to be very poor. Not much of what they planted came up. We generally get our seed from the north to plant every

spring. In all that section of the country we have been troubled on account of not being able to get seed. We were not much troubled for hands. We used colored people there. There was nothing raised in the neighborhood by which Andersonville could be supplied in 1864. I never heard of a law against carrying produce to Andersonville to sell. We were not allowed to dispose, without restrictions, of what we raised. The planters could not do it. They had to sell to the government at government prices. We were under that restriction. When I wanted to buy wheat I got an order to buy it at government prices. I bought fifteen bushels by weight, and it measured about twenty bushels. If any one had market truck to sell he had to get an order from the quartermaster at that point, and you could only buy it then for your own use. You could not buy it to sell again. I never knew of anybody getting any order to carry it to Andersonville.

By the COURT:

Southern Georgia is mostly a corn-growing country. They raise a large amount of corn there. In 1864 there was a very good crop, more plentiful than in previous years. I don't recollect much about 1863. We have always raised enough for our own consumption. There are large plantations round there. The country is not thickly inhabited. There was no difficulty in getting provisions in the early part of 1864; not so much as afterwards. We used to get wheat from upper Georgia and Tennessee. A great deal was shipped from there, and also some from Kentucky, and carried down. Many of our planters there would buy it. The scarcity commenced soon after the armies began to increase, when the produce was almost all taken to Tennessee. From 1862 till the close of the war, provisions grew scarce and high priced.

By COUNSEL:

Some of the corn crop of 1864 was gathered as soon as it could be; as early as July. I have seen it sold in the field, gathered in the shuck and carried off in sacks for the government. They were required to gather it as soon as it would do. They would not gather it to lay by as early as that. They would gather the crop for their own use along in September or October. In these early months they would only gather enough to furnish their supply for the government.

TREATMENT OF THE DEAD.

I expect it was the burying of the people there that made the atmosphere so bad; I do not know anything else. I never saw any indecency in burying prisoners there, only sometimes the bodies were rather offensive before they were carried there. I saw them in the dead-house and they were rather offensive. I do not know why they were kept so long. I was informed that those who died at 6 o'clock in the evening were carried out next morning. I saw that. The graves are generally dug four or four and a half feet. While I was in the burying ground I heard no orders given to the men digging the trenches. I saw them digging and saw them burying some. I did not hear any orders given relative to the depth of the trenches.

SEPTEMBER 7, 1865.

CHARLES T. WILLIAMS, for the prosecution:

I was in the first New Jersey cavalry. I arrived at Andersonville March 12, 1864, and remained in the stockade till August 30 of the same year. I was then taken out to the hospital, and stayed there till March 25, 1865. Dr. White was in charge of the hospital when I went there. Afterwards Dr. R. R. Stevenson, after him Dr. Clayton. The treatment was better under Dr. Clayton. He was post surgeon, and Dr. G. G. Roy had charge of the interior of the hospital. The treatment was better under them.

THE STOCKS.

I saw men in the stocks. I cannot tell by whose order. I have heard Captain Wirz order men into the stocks, and seen the sergeant on the way to put them in. It was on March 25, 1865, when we were down to Captain Wirz's headquarters, being about to arrive there. One of the men did not answer to his name. Captain Wirz ordered the sergeant to go and put the man in the stocks. His name was Darling. I don't know how long he remained in the stocks. I never saw him afterwards.

THE CHAIN-GANG.

I have seen the chain-gang. I was in the stockade at the time, and was not very near them. I do not know why the men were put in the chain-gang.

THE DOGS.

I saw the hounds. They were used for tracking the men when they made their escape. I saw men who had been caught by them. I have seen them brought back by them. I never saw any men bitten by them. There was one catch dog, and the others were what they call plantation dogs. The catch dog was a sort of bull-dog, and the others were more of a hound.

THE RATIONS.

I was at Andersonville station three or four times. I was there in March, 1865, just before leaving, and also last December. Never prior to that. I saw a storehouse there. I should judge it was about 125 feet long, and thirty or thirty-five feet wide.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw men shot by the sentinels. I saw two men shot in the stockade, and one in the hospital. I cannot give any exact date. I cannot tell what month it was; it was such a common occurrence that I never took the dates or months. I saw one man shot at the south gate, as we called it, on the west side of the stockade, the southwest corner, and I saw one man shot at the north side. This man shot at the gate was a cripple; they called him "Chickamauga." The next case, the man, I don't know his name, was shot at the dead-line on the north side of the stockade. I do not know in what month. The man was killed. Captain Wirz was not present at the time the man was shot at the north side. I did not hear anything said by the person who shot him as to why the man was shot. He was shot because he reached over or under the dead-line to get a piece of bread that lay there. He died. I saw one man shot in the hospital. He went up to the fence to speak to the guard. He wanted to do some trading. The guard fired at him. I do not know whether any one ordered the guard to shoot. I don't know his name. He was a cripple afflicted with scurvy, who had to go on crutches. He was killed. I do not remember the month in which that occurred. I called Dr. Bates's attention to it at the time, and took him down and showed him the man.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

I saw vegetables brought to Andersonville. I saw vegetables brought there by a man named Selman; he brought them inside the stockade, and sold them to our men, and they retailed them out—sometimes very large quantities; I have seen three or four loads of watermelons come in in a day; I have also seen Irish potatoes, sweet potatoes, onions, radishes, turnips, green corn, and some green apples.

THE SUPPLIES FROM THE NORTH.

I saw goods which had been sent there by the Sanitary Commission. I have seen some clothing sent by the Sanitary Commission. Some of those goods were distributed to the hospital. I cannot exactly tell the month. Mr. Hunt, one of our own men, drew the clothing for the third division of the hospital. I went out with him to help him carry the clothing in. This was in 1864, I think; the latter part of December, 1864, or the beginning of January, 1865. I cannot tell how many were received. Quite a large quantity was in the storehouse at the time. Very few were distributed that I saw. I cannot exactly tell the number. I have seen confederate guards with blankets and with pants—sanitary pants. At the time when we drew this clothing, Mr. Dance, the man who issued it, threw out five pairs of pants. Dr. Dillard came in and asked him if he had many more of those pants left. Mr. Dance said, "No, there are only three more left." Then Dr. Dillard said, "Don't issue any more of those pants; I will attend to them myself." So the pants were taken away, and we could not get any for the third division. Those five that were thrown out were not given to us. I was a steward in Dr. Bates's ward, the fifteenth ward, from the latter part of August, 1864, till March 25, 1865.

THE STOCKS.

Cross-examined by COUNSEL:

I did not see the man Darling in the stocks. I saw him on his way to the stocks with the sergeant, and I heard Captain Wirz give the order. I know why he was sent to the stocks; he was to come to our lines that day, and was not present when his name was called. Afterwards, when he came down, I told him his name had been called. He went up and reported to Captain Wirz that he wanted to go away, and he ordered him to be put in the stocks. I do not know whether he had been away anywhere where he ought not to have been. He was allowed to run around there. He was at work outside cooking. I never saw him afterward; I went away that day.

THE DOGS.

When I said I saw men brought back by the hounds I meant that the hounds had tracked them and caught them, and they were brought back. The men who went with the hounds came back and the hounds with them. The hounds caught the men who came back, because one of the men brought back was a friend of mine, and he had been treed by them. I know only what he told me.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

I saw Captain Wirz interfere with the hospital the time he ordered a man named W. W. Crooker to be bucked. Dr. James thought that Captain Wirz had no business to do it. Captain Wirz interfered with the business in the hospital that day. That was in February, 1865, I think. Captain Wirz himself did not use any personal violence on the man, no more than ordering him bucked. That was enough.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

I have seen sacks of Irish potatoes there. I suppose there would be a bushel or a bushel and a half in a sack. They were taken to the sutler tent inside, kept by one of our own men. They were sold to him, and he retailed them out to the men through the stockade. They were brought in by a confederate sutler named Selman, and sold to the Union sutler inside. I saw a wagon come in there one day with some vegetables; a one-horse wagon; a farm wagon. It

was green corn, nothing else that I know of. The wagon was what they called a "buggy," a four-wheeled wagon; one of these little business wagons. I judge it brought about two or three bushels. I never saw any come in at any other time. I saw this confederate sutler bring in Irish potatoes twice while I was there. I did not see any one bring in sweet potatoes, but I saw them there. How they got in I don't know. I saw six or eight bushels at a time. I saw that quantity several times. Sweet potatoes were a very common thing there, in the stockade and the hospital, but I am speaking now of the stockade. Sweet potatoes were brought in very frequently. I cannot tell how they were brought in. For about a month or two months they were very plenty. They were at the Union sutlers', round through the stockade. Our men could get them if they paid for them. If they did not pay for them they could not. I never saw Captain Wirz have anything to do with that. I have seen country wagons come up, but what they had in them I could not say. I was inside, and they were outside. I saw them three or four times. They generally came on Saturdays. There was no such thing as a "market day" known around Andersonville. I never saw any market stand or anything of that kind, no more than a store down at the railroad, a sort of country store, one that had been there apparently for years. It was there when I left. It was an ordinary store, not very large; about fifty feet by sixty, or something like that. I was never in that store. Yankees were not allowed to go in. I have seen into it. I saw groceries there. I did not see any dry goods in it. I saw groceries upon the shelves, such as are generally found in any other grocery store. That was the only one there.

THE SUPPLIES FROM THE NORTH.

The sanitary stores that I saw were not in boxes; they had been taken out of the boxes. There was a bale of blankets, and some pants, undershirts and drawers piled up there. There was one bale of blankets; I don't know how many blankets. There was one bale when we drew the clothing, but clothing had been issued before that. I never saw any stores besides these. I saw eight pairs of pants when we went out there. I don't know how many drawers and undershirts. There was quite a pile on a big box, a pile about four feet high. I should judge there were very nearly a hundred pairs of drawers and a hundred shirts, two hundred pieces both together. There was nothing else. I have seen boxes sent there by men's friends; no other sanitary supplies. I cannot tell what month these goods came there. They were issued the latter part of December, 1864, or the first part of January, 1865. I cannot tell how many prisoners were then in the stockade; not very many. Men had been sent off to Millen, Blackshire, and other places. There must have been about five or six thousand. I heard the doctor give the order not to issue those pants. I did not see Captain Wirz there. I do not know that he had anything to do with it.

ILLNESS OF WIRZ.

One o'clock p. m. having arrived, the commission was about to take the usual recess, when

Mr. BAKER stated that the prisoner was suffering, as he had been all day, with severe pains in his head, and was in other respects sick, and he would be grateful to the commission if it would adjourn until to-morrow morning.

The PRESIDENT. Has the prisoner medical attendance?

Mr. BAKER. He states that the physician usually comes to the prison after he has left, and his attendance cannot, therefore, be had without sending for him specially.

The commission, after deliberation, decided to grant the application, and directed that the prisoner be furnished with proper medical attendance.

LETTER FROM WIRZ ASKING THE ATTENDANCE OF CLERGYMEN.

Upon the meeting of the court on the 8th of September, the judge advocate laid before it a letter, of which the following is a copy:

OLD CAPITOL PRISON,
Washington City, D. C., September 8, 1865.

Colonel N. P. CHIPMAN.
Judge Advocate, Aide-de-camp:

You will, I hope, excuse my liberty to address you these lines, but, not knowing to whom to appeal, I refer the matter to you. I am now a prisoner since the 7th day of May, 1865. I have been deprived of all the chances to receive the consolations of religion—consolations necessary to anybody, and truly more so to a man charged with crimes so heinous, so terrible, that the mere thought of them makes me shudder. Although I know myself full well that I am wrongfully accused, that an All-seeing, All-knowing God knows my innocence, still I need some encouragement from others, not to sink under the heavy burden which is placed upon me. Under these circumstances I most respectfully ask that permission be granted to Reverend Fathers Whelan and Hamilton to visit me, and administer to me such spiritual comfort as my unfortunate position requires. They are both men of integrity, and will not profit the occasion to see me to do anything but what their duty as ministers of the gospel will permit. Hoping that this my humble request may be favorably received, and the permission be granted,

I remain, colonel, most respectfully, your obedient servant,

H. WIRZ.

The commission decided that it had no jurisdiction over the matter, and directed the judge advocate to refer the communication to the Secretary of War.

The communication was so referred, with an indorsement of which the following is a copy:

MILITARY COMMISSION,
September 8, 1865.

Respectfully referred to the honorable the Secretary of War. I am directed by the court to express an approval of the application. Fathers Whelan and Hamilton are residents of Georgia, but are here as witnesses for the prosecution.

N. P. CHIPMAN,
Colonel, &c., Judge Advocate.

SEPTEMBER 8, 1865.

PRESCOTT TRACY, for the prosecution:

I am in the military service of the United States. I am a lieutenant. I was commissioned last year. My previous position in the army was sergeant. I was taken prisoner. I was at the Andersonville prison. I was taken on the 22d June, 1864, in the last charge we made on Petersburg. I was taken to Andersonville, I think, the last of June of that year. I was put in the stockade when I got there, by Captain Wirz. I was in there until the 17th of August of the same year. I was pretty near starved to death.

A PRISONER SHOT BY WIRZ'S ORDER.

I saw the prisoner very often. I never saw him commit acts of cruelty upon prisoners himself, but I saw him give the orders to do it, to shoot a man. I could not give the day exactly; I know that it was a Wednesday, that is all I know. In the month of August the man was shot. His name was Roberts. I cannot tell what regiment he belonged to. He was what we called "fresh fish," just come in by the north gate, and not knowing the rules and regulations, he went to take a drink at the creek, and it being muddy there, he slipped and fell in so that his head went about six inches inside the dead-line. Captain Wirz was behind me, perhaps the distance of this room or a little more, and he hallooed to the sentry, "God damn your soul, why don't you shoot that Yankee

son of a bitch?" That was the expression he made use of. The sentinel fired and shot the man through the top of the head and the ball came out at the back of his neck. The sentry did not say anything at the time; he only just fired. I lay down, for I was afraid of getting shot myself. This was in August, the forepart of August. I could not tell the date, because we did not know one day from another there. The man did not live ; he died right in the creek, and we pulled him out and buried him that same afternoon. I never saw any other man shot. I heard the reports of guns, but I never saw a man shot. I saw one laid out, but did not see him shot. He was shot and dead and we were going to bury him, and he was what is called laid out. I do not know the circumstances under which he was shot.

THE STOCKS.

I saw men in the stocks. I could not tell you when I saw some. I never saw men die in the stocks, but I saw men die afterwards. I saw men die on the south side of the stockade from the effects of being in the stocks. I do not know their names. They were stretched out in the stocks; then pieces of wood across their necks and across their feet, and their hands were stretched out as far as they could go and tied down, and there they lay with the sun pouring right down on them. They died the next morning after they were in the stocks. The first case I saw was a man belonging to the third Pennsylvania cavalry. He was stretched out full length with his head up before the sun, with a piece of wood right across his neck, and another across his two feet, and there he lay from nine in the morning until nearly six in the afternoon. The next time I saw him he was a corpse; it was the next morning; I helped to carry him out. I cannot remember the date. We could not remember one day from another there. We could not tell Sunday from Monday. It was in August, the forepart. I never saw any one else die after being in the stocks. When the man died he was out of the stockade, in a little shanty made of trees. He was not brought back after he was in the stocks.

DEATH OF A PRISONER FROM STARVATION.

Another man, named George Wetherell, died alongside of me. He had not been in the stocks He lay alongside of me and I turned round to him in the morning and said "George, you had better get up and get something to eat," and I came to find that he was dead. He died of starvation, nothing else under God's heaven. He had been in that condition nearly ten days. He had something to eat; soms bacon, but no one could touch it, no one could eat it, and he had some corn too, that is, corn ground with the cobs, all ground up together. He took some of it and it caused diarrhœa or dysentery on him and he kept lying in his shanty, as we called it, such as it was, from day to day until that night, and the next morning I tried to wake him up, and came to find that he was dead. He was wasted; he was about the size of that sword. That was in August. I was sergeant of a squad of one hundred men, and Captain Wirz used to come and walk through my portion of the stockade with his hands behind his back. He wore a swallow-tailed coat then. He used to walk through our detachment and look at the men, but he never gave us a good word or a kind word, I am sorry to say. I asked him for rations once, and he said he would ration me into hell. The prisoner always carried his pistol, at least he always showed it to us. He always wore it on his right side. He never came in the stockade without it. I never saw him without it. The man was wasted to a complete shadow. You could just catch hold of his bones. There was just flesh enough on him to cover over his bones, and that was all.

STOPPAGE OF RATIONS.

My rations were stopped because a couple of the men of my squad attempted to tunnel from a well, so as to get outside of the stockade, and he stopped my rations on that account for two days. I never got a mouthful to eat.

DEATH OF A PRISONER FROM STARVATION.

Cross-examined by COUNSEL:

I do not know how long this man who died from starvation had been there. He was there when I went there and took charge of the sqad. He was not one of the men captured with me. He was captured in another fight altogether. When I first saw him he was able to get up and go around a little. He died in August; the fore part of August. He gradually, day by day, declined; we all did what we could for him. We gave him a portion of our rations. I cannot say how long he had this diarrhœa, because he had it when I first took charge of the squad. I took charge of the squad when I first went there. I went there in the latter part of June. He died from pure starvation. It was nothing else, because we could not give him rations enough. We had hardly rations enough for ourselves, and his rations did not support him by any means. He did not appear to have any other disorder except starvation. I did not notice any signs of scurvy about him.

THE STOCKS.

It was some time in July that I saw these men in the stocks. We had no means of telling one day from another there; Sunday from Monday or Monday from Sunday. I do not mean to say that nobody could tell when Sunday came, but I could not tell, and there were a good many like me. They had nothing to designate Sunday that I know of; I never saw anything. I never knew of prayer meetings or reading of the Bible there on Sundays. The men who died from the effects of the stocks died in their own shanties, inside the stockade. Captain Wirz did not inflict on me any other punishment for escaping than stopping my rations; he did on the rest who escaped; he put them in the stocks, not the whole seven, four of them. He let the other three go. Those four were the parties who dug the tunnel and got out, and gave us the clue to get out too if we could.

By the COURT:

The man died in his own shanty, what we used to call shanties, after he was taken out of the stocks. I do not mean to say that he died outside the stockade; he died in his own shanty, just a little way from the stocks where he was confined. The stocks were up on the top of the hill and his shanty was down close by the creek.

By COUNSEL:

Some of the stocks were inside the stockade. The stocks that this man was in were. His little shanty was close to them. He was taken from the stocks by myself, myself helping him out, and how could I say that I did not see him after he was taken from the stocks? I helped to take him out of the stocks and bring him down to his shanty, and he lay there for twenty-our hours. We had some vinegar and water—we called it cider—and we kept giving him that, thinking it would help him. He died next morning just about daylight. I saw him when he was going into the stocks. I saw him come in through the gate. He was one of those recaptured. He was in pretty fair condition then, considering the rations he got. He was not in a starving condition. He was more energetic perhaps than the rest. If he was energetic he

might get extra rations at the gate. If a person was active and energetic he could generally fare better than one who was not. He would get better fare by working at the gate, carrying wood, and volunteering to go out with working squads. Those that did that did not always get these favors. He was not one of those "raiders." A portion of the stocks were at one time inside the stockade. I could not tell exactly when it was. It was just for the time being. The original stocks were outside the stockade, between Captain Wirz's office and the stockade. They were inside the latter part of July. They appeared to be brought in for that occasion, because they were not there afterwards. Those stocks were the size of an ordinary man, say about five feet ten inches only, and with room for two men. I have already described how they were made. They were made of wood timber. They were about the length of that table, (about twelve feet,) and about four or five inches wide. The stocks were about five feet ten inches long, and there was a space for the neck and a space for the feet, so that they could close over and keep the men in, and there they lay. The men were spread out in the stocks full length, with the arms stretched out at right angles with the body. In those stocks I saw two men. The other two men went about their business; they were not put in any stocks at all. I did not say there were four men put in the stocks; only two were put in, and those were the two worst men. I believe it was the third time they had made an attempt to run away.

The REPORTER, by the direction of the Court, here read the following from the cross-examination of the witness:

Q. Did Captain Wirz inflict any other punishment on you or on any of the others?

A. Not on me; he did on the rest.

Q. What did he do?

A. He put them in the stocks.

Q. The whole seven?

A. No, sir; four of them.

Q. How do you reconcile your present statement with that?

A. If I said four, I made a mistake. There were only two put in the stocks. The balance of us were let go without our rations. That was the only punishment we got. Those two went in the stocks, I should think, about 11 o'clock in the morning, and were kept there until the next morning. They were relieved the same as others, two hours in and two hours out. You can calculate yourself the number of hours they were in better than I can; I have no pencil. They were two hours in and two hours out. I don't know the man's name who died; nor his company or regiment. I paid no attention to him more than that I know he died. He belonged to my squad. I was acquainted with all the men in my squad. I could not tell his name out of a hundred men. I had something else to do besides looking after the names and regiments of the men in my squad. The stocks were situated right opposite the gate; the north gate. It was where we hung the men. (The diagram of the prison was handed to witness.) I tell you very candidly I do not understand this diagram. I made a diagram of the stockade myself and gave it the Sanitary Commission. If I had that here I could tell you in a moment. (Pointing to the diagram.) As near as I can tell it was about there. The stocks were never empty. I saw the men when they were being put in the stocks. They were put in there for a show, as a guarantee to the balance of the prisoners what they would get if they attempted to get away. They were standing by the gate there, I suppose, half an hour before they were put in the stocks. I saw them. The guard took them to the stocks. I went behind them. They were just fixing the stocks when we got there. They had been brought in and placed there, from all appearances. The stocks did not remain there any time after the men were taken out. They were taken immediately out. I saw a portion of them taken out.

I did not see them all. I did not stand there for the purpose of seeing them taken out. They were taken out apart. They could not be taken out in a body. They were all taken to pieces and taken out in parts. The stocks were taken out about a couple of hours after the men were taken out of them. I never saw them there before or after that.

By the COURT:

Q. How do you reconcile your statement in your direct examination that the man was put in the stocks at nine o'clock in the morning and taken out in the evening, with your statement that he was in the stocks until the next morning?

A. I could not tell the time. We had no means of telling any time there from morning to night. We could not tell one day from another, nor one hour from another.

Q. Was the man in the stocks all night?

A. Yes, he was there, and I said that. I said he went in in the morning and stayed there until the next morning. As to the exact time and hour we could not tell, because all our watches and everything else was taken by our worthy friend here, (pointing to Captain Wirz.)

By COUNSEL:

I mean to say that I do not know of a watch being inside the stockade.

The JUDGE ADVOCATE called attention to the fact that the witness, in marking the diagram, had pointed out a spot right in the middle of the swamp as being the place where the stocks were located. It was not reasonable to suppose that that was correct.

Mr. BAKER. If the witness has located the stocks in the swamp we cannot help it.

The WITNESS. I stated at the time that I did not understand that thing, (the diagram,) and I do not understand it now.

The COURT. It was by the persistence of the counsel for the defence that the witness made the mark on the diagram.

The WITNESS. If you had put in my hand a diagram that I understood, I would not put that mark where I did.

STOPPAGE OF RATIONS.

The rations were stopped some time in July; the latter part of July. Two of my men were caught tunnelling out. All I know about it is that they endeavored to tunnel out, and they did, and got to some distance, and the hounds were sent after them by Captain Wirz. Captain Wirz went after them himself and brought them back. There were only four, besides myself, engaged in that tunnelling out. There were eight of us altogether. Our rations were stopped after the men were brought back. He stopped our rations for two days. We had nothing to eat, good, bad, or indifferent, except what we got from other squads. We got some from other squads occasionally. We fared pretty hard. Captain Wirz did not inflict any other punishment on me. He did on the rest. He put them in the stocks, four of them; he let the other three go. Those four were the parties who dug the tunnel and got out, and gave us the cue to get out too, if we could. I got out. I got about the length of this room, (about forty feet.) I went back again, because the hounds were immediately after us. The hounds did not catch me; I got back to the stockade. I was afraid I would get caught, and ran back.

A PRISONER SHOT BY WIRZ'S ORDER.

By the COURT:

Captain Wirz was behind me, about the length of this room, when the man was shot. I hallooed "Roberts, Roberts, for Christ's sake get out of that." That

was the expression I made use of, and Captain Wirz was behind me with one hand behind his coat. He was outside the dead-line, on the street, or the road down to the creek, coming down from the north gate. Before I had time to get the man out, or speak to him a second time, he was shot. Captain Wirz was inside of the stockade, on the road down towards the south side of the stockade. He was walking down the street at the time. I am sure I saw him, I can swear to it, and if he will look me in the face he knows it.

SEPTEMBER 8, 1865.

WILLIAM CROUSE, for the prosecution:

I have been in the military service of the United States; in the 7th Pennsylvania reserves. I was taken prisoner on the 5th of May, 1864. I was taken to Lynchburg, where I stayed two weeks, and from Lynchburg to Andersonville, where I arrived on the 20th of May, 1864. I stayed there till the 15th of September, 1864.

CRUELTIES COMMITTED BY WIRZ.

I knew the prisoner there. I saw him knock a man down. I cannot tell the man's name. That was in July, 1861. Captain Wirz knocked him down, that is all. I did not hear him say anything. He just knocked him right down. That man was a Union prisoner. That is all I know about it.

THE STOCKS.

I saw men in the stocks. I saw them in July and August, 1864. I saw a man die the day after he came out of the stocks. I do not know his name. It was about July, 1864. I should judge he had been in the stocks about two weeks. I saw him die. He died in the next tent to me.

By the COURT:

I mean that the man was continuously in the stocks for two weeks, without intermission.

By the JUDGE ADVOCATE:

I do not know of any event that transpired about that time by which I can fix the date of that man dying, who had been in the stocks. I remember seeing six men hung there. They were hung on the 13th of July, 1864. It was two or three days before that.

VACCINATION.

I saw men get vaccinated there, about twenty of them. It broke out. I saw about twenty of them die, and I saw five of them get their arms amputated. I never saw them after their arms were amputated.

THE SUPPLIES FROM THE NORTH.

I was at the depot in Andersonville twice in July, 1864. I saw a storehouse there. It was about 150 feet long. There were boxes and meal-bags in it. There were two or three hundred boxes; I do not know how many bags. The boxes contained sanitary goods. There were in the bags corn-meal, ground with the cobs. I saw Sanitary Commission goods distributed to the prisoners; I cannot tell how much. I saw some "Johnnies" have some. I mean "rebs."

SHOOTING OF PRISONERS BY THE GUARDS.

I saw men shot there. I saw five. The first one I saw shot was in the middle of June. He was getting water near the spring. I do not know his name, or his regiment. He died. I cannot say that Captain Wirz was present at the

time; I did not see him. I cannot tell where he was hit. He was in the southwest part of the stockade, near the spring, getting water. The guard said, when he shot him, "Shoot the Yankee son of a bitch." The guard who fired said so. The next case was in the latter part of July, about the 27th. The man belonged to the 20th Pennsylvania cavalry. I think his name was Robinson. He was shot in the head. I cannot say by whose order. Captain Wirz was outside of the stockade. I did not hear any orders given. I saw the man die. He was getting water when he was shot. He was about a foot from the dead-line. Not over it—on this side of it. I saw two shot about the middle of August. The first case I saw in August was the same thing, getting water at the dead-line. Captain Wirz was outside. I heard no orders given. The guard said the same thing, "Shoot the Yankee son of a bitch." The ball hit him about the breast. He died. The next case, he was shot down there at the spring, too. He was not on the dead-line. I cannot say that Captain Wirz was present. I do not know his name, nor the regiment he belonged to. I saw another prisoner shot in September. I do not know his name. He was shot at the spring, in the stockade, near the same place where the other man was shot. Captain Wirz was not there. I saw him outside on his horse. I did not see him come into the stockade after the man was shot, there were so many around there.

Cross-examined by COUNSEL:

This man was shot about the 7th of September. He was getting water down by the dead-line, at the upper side, the southwest. He was not over the dead-line. I heard no words before he was shot, and none after. There was a crowd of about a hundred around him. I cannot say that the men were jamming each other into the dead line. They sometimes did that. I cannot say whether they did it wilfully or not. I frequently saw it. The man who was shot on the 7th of September was inside. I was close to him.

THE SUPPLIES FROM THE NORTH.

I saw about 200 or 250 boxes of sanitary goods, at one time, at the depot. All northern sanitary goods. They were all marked "U. S." They were marked "sanitary;" I am sure the whole of them were. I saw them about the middle of July. I should judge the boxes were that size, (describing) about three feet square. The whole of them were. They were inside the building. I was outside looking in at the door. I did not see any other boxes in there besides those. I made no mistake. I could see them marked on the top of one another. I saw some of them opened inside the stockade. They contained stockings, shirts, and pants. Some were brought inside the stockade, I cannot say whether all were. I saw one box opened. That was all I saw. I went up and drew a shirt myself. I could tell by the appearance of the other prisoners that they were drawing. The men who worked outside generally had some. Some of the prisoners were pretty comfortably supplied after that, and some were not. Some had no clothes at all. There was enough to distribute but we did not get them. I never saw any of them used outside. I was outside the stockade only one day. I went out after wood, under guard. The sergeant took us up to the depot. We stopped there about two hours.

THE STOCKS.

I was inside the stockade when the man died from being in the stocks. He was brought in from the outside after he was put in the stocks. He was not put in the stocks inside. There was nothing the matter with him besides being in the stocks. He was a hearty man before he went there. I saw him in the stocks when I went out to get some medicine. I used to go out nearly every

other day to get medicines. I weighed about forty pounds when I came home, from starvation. I went just outside the gate. The doctor's place was about twenty feet from the gate, at the upper end—the southwest end. I could see the stocks from there. It was about three hundred feet from where I got the medicine to Captain Wirz's headquarters, with nothing to obstruct the view. I never went up to Captain Wirz's headquarters. I saw the men in the stocks for two weeks when I went out in that way. I do not know what portion of the time they were removed from the stocks. I believe they went down to get washed. I never saw them come for medicine. I saw them go down to get washed every time I went ont. They would be taken out of the stocks while I was outside; they would be taken down to the creek. I could not say how many times they were taken down to get washed while I was inside. I did not hear them say. That man who died was starved. That was one thing that killed him. It was the principal thing. I did not see any marks of the stocks upon him. I judged it was Captain Wirz who put him in the stocks. He had charge of the prison. That was all I knew.

VACCINATION.

I saw twenty men who were vaccinated die. They died of vaccination. It broke out on their arms. They were all inside the stockade. They took scurvy with it. I cannot tell whether it took any other form besides scurvy. After taking scurvy they died. All the twenty cases went into scurvy, and the men died from the scurvy. That is the way I knew they died from vaccination. I knew of them dying every day. I never saw them die in any other way than that. They were very thin and emaciated. I cannot say whether any of the twenty had diarrhœa or not.

SEPTEMBER 8, 1865.

C. M. SELPH, for the prosecution:

I have been in the confederate army for the last four years as captain in the adjutant general's department—assistant adjutant general, and also in the inspector general's department. Those departments were combined—they were separated about the beginning of 1864; I was assistant inspector general, on duty in the office.

GENERAL HOWELL COBB'S REPORT OF HIS INSPECTION OF THE ANDERSONVILLE PRISON.

I am acquainted with the handwriting of Major General Howell Cobb.

(A letter was here handed to the witness.)

I am pretty sure that is a letter from Howell Cobb. It was received in the adjutant general's office, May 21, 1864, and was sent to the inspector generals office, May 26.

The JUDGE ADVOCATE read to the court and put in evidence—stating that he did so to show that the rebel war department at Richmond was cognizant of the condition of Andersonville prison—a letter of which the following is a copy:

HEADQUARTERS GEORGIA RESERVES,
Macon, Georgia, May 5, 1864.

GENERAL: Under your orders to inform myself of the condition of the prison at Andersonville, with a view of furnishing from the reserve corps the necessary guard for its protection and safety, I made a visit there and have just returned, and now submit the result of my examination.

There are now in the prison about twelve thousand prisoners, in an area of less that eighteen acres, with a stockade around it about fifteen feet high. I presume the character of the

prison is well understood at Richmond, and therefore give no description of it. The danger of the prisoners escaping is not so great as I had supposed. With a guard of twelve hundred men, four pieces of artillery, and a cavalry company, all apprehension of escape would be quieted. I have arranged to send two regiments of infantry there within the next week, which, with the detached companies of Colonel Person's regiment, will be an ample infantry force. Captain Gamble's battery is there, but I would recommend that it be returned to Florida, and Captain Ziller's battery sent in its place. My reason mainly for this recommendation is, that Captain Gamble's battery is very well supplied with horses, and they are not needed at Andersonville, whereas Captain Ziller's horses have been so reduced that he is unable to move his battery in the field. The exchange of these batteries would be of decided advantage to the service.

I recommend the cavalry company because its presence would have a salutary effect in restraining the prisoners from any attempt to escape, knowing the means were at hand to pursue them, and in the event of the escape of any considerable number the cavalry would be absolutely necessary to their successful pursuit.

I took the liberty of making several suggestions for rendering the prison more secure; and if the tools could be had, I would recommend that the entire prison grounds should be surrounded by fortifications, which could be put up by the troops, whose health would be promoted by the employment.

The most important change is the one suggested in the accompanying report of my chief surgeon, Dr. Eldridge, that is, the erection of hospital buildings outside of the prison. Upon that point there cannot be two opinions among intelligent men. It ought to be done at once, and such is the opinion of every sensible man that has examined the prison.

The prison is already two much crowded, and no additional prisoners should be sent there until it can be enlarged. The effect of increasing the number within the present area must be a terrific increase of sickness and death during the summer months. I understand that an order has been given for enlarging the prison. If it was possible to make another prison it would be much better, for I doubt very much whether the water will be sufficient for the accommodation of the increased number of prisoners. The general management of the prison under Colonel Persons is good, and he manifests a laudable desire to discharge his duties in the most efficient manner. The duties of the inside command are admirably performed by Captain Wirz, whose place it would be difficult to fill.

I still think the rank of the commanding officer of the post should be a brigadier general; in view of the number of troops that will be under his command it seems to me he should have that superior rank over those who may be ordered to report to him.

I take the liberty of enclosing a copy of Dr. Eldridge's report.

I am, general, very respectfully, yours, &c.,

HOWELL COBB,
Major General, Commanding.

General S. COOPER,
Adjutant General, Richmond, Va.

Endorsed as follows:
Howell Cobb, major general, headquarters Georgia reserves, Macon, May 5, 1864.
Report on the prison at Andersonville, Georgia.
One enclosure.
A. & I. G. O. received May 26, 1864.
Received A. & I. G. O. May 21, 1864.

WITNESS. Howell Cobb was brigadier general of the Georgia reserves at that time.

SURGEON E. J. ELDRIDGE'S REPORT.

(Another paper was here handed to the witness.)

This paper bears official marks of the department; it is the enclosure which accompanied General Cobb's letter.

The JUDGE ADVOCATE read to the court and put in evidence the paper, of which the following is a copy:

HEADQUARTERS GEORGIA RESERVES,
Macon, Georgia, May 6, 1864.

MAJOR: In obedience to instructions from Major General Howell Cobb, I have the honor to make the following report of my visit in company with the general to the prison camp at Andersonville. I found the prisoners, in my opinion, too much crowded for the promotion or even continuance of their present health, particularly during the approaching summer months. The construction of properly arranged barracks would of course allow the same number of men to occupy the enclosures, with material advantage to their comfort and health. At present their shelters consist of such as they can make of the boughs of trees, poles &c., covered

with dirt. The few tents they have are occupied as a hospital. I found the police of the camp, though not very good, as well arranged as their crowded condition and the limited number of shovels would allow. Since necessary tools have been received for ditching &c., (which has been very recently) it is proposed to arrange the sinks so that the fecal matter may be at once carried away by the stream running through the enclosure, which will at once materially improve the condition of the camp. I found the condition of a large number of the Belle Island prisoners on their arrival to be such as to require more attention to their diet and cleanliness, than to the actual administration of medicines, very many of them suffering from chronic diarrhœa combined with the scorbutic disposition, with extreme emaciation as the consequence. The hospital within the enclosure it has been found impracticable to administer such diet and give them such attention as they require, as unless constantly watched such diet as is prepared for them is stolen and eaten by the other prisoners. There is a fine stream within a few hundred yards of the present enclosure, across which, in my opinion, there should be made another enclosure, with sufficient hospital buildings, two stories high, to accommodate from eight hundred to one thousand patients. Such an enclosure as I should suggest (a plank fence ten feet high) would require but very few additional guards, which guard appears to be the objection urged at Richmond to a separate enclosure.

The patients upon their admission into the hospital should be well washed, and a pool arranged on the side of the stream, and furnished only with a clean shirt, with which dress they would hardly attempt to escape. The nurses could be detailed with such discretion that but few would attempt to escape, and with frequent roll-calls, they would be absent but a few hours before detected, and would be readily caught by the dogs always at hand for that purpose. I consider the establishment of hospital *outside* of the present enclosure as *essential* to the proper treatment to the sick, and most urgently recommend its immediate construction. I would also recommend the construction of as many bathing pools within the prison as the stream would warrant, feeling assured from the appearance of the prisoners that their use would contribute materially to the health of the bathers. Other improvements would be suggested, but for the difficulty of obtaining labor, tools, and materials; but with those above mentioned, the urgent necessities of the prison would be supplied.

The bakery just being completed, will be the means of furnishing better prepared food, particularly bread, the half cooked condition of which has doubtless contributed to the continuance of the bowel affections. I will add that as far as I have been able to judge from my short visit, the management of the medical department of the prison, under the direction of Chief Surgeon J. F. White, reflects credit upon that office, who seems well qualified for the position he occupies.

I have the honor to be, very respectfully, your obedient servant,

E. J. ELDRIDGE,
Chief Surgeon Georgia Reserves.

Major LAMAR COBB,
A. A. and I. Gen., Georgia Reserves, Macon, Georgia.

Indorsed as follows:
"E. J. Eldridge, chief surgeon, headquarters Georgia reserves, Macon, May 6, 1864. Report of the prison at Andersonville, Georgia."

CAPTAIN WIRZ'S REPORT IN REFERENCE TO THE CONDITION OF THE PRISON.

(A letter from Captain Wirz, the prisoner, was here handed to the witness.)

I do not know whether that letter bears the marks of the department; it may be the mark of General Winder's office. He was commandant of the post in the city of Richmond; Major Turner was commandant of Libby prison, Richmond. I do not know whether these reports were made through him.

(The handwriting of the prisoner, and of General John H. Winder, to the letter, was proved by Captain J. H. Wright, previously sworn as witness for the prosecution; and the Judge Advocate offered the letter in evidence.)

COUNSEL FOR THE ACCUSED objected, on the ground that there was no proof of the official character of the paper.

The objection was overruled and the paper was received in evidence; The following is a copy;

CAMP SUMTER, ANDERSONVILLE, GEORGIA,
May 8, 1864.

MAJOR: I have the honor to make the following report in regard to Confederate States military prison at this post.

I was assigned to the command of the prison by colonel A. W. Persons, the commandant of the post, on the 27th of March, 1864, having reported to him for duty by order of General

J. H. Winder, commanding Confederate States military prison. I found the prison in a bad condition owing to the want of tools, such as axes, spades, and lumber to erect proper buildings, Captain W. S. Winder, and his successor, Colonel A. W. Persons, had left nothing untried to supply this so important articles. Only two weeks ago I received axes, spades, &c., from Columbus, Georgia, and went to work cutting ditches &c., and I hope to have everything in the interior of the prison completed in two weeks. The bakery, which could not be completed for want of lumber, is now in operation. The necessity of enlarging the stockade is unavoidable, and I shall commence as soon as I can gather a sufficient number of negroes. I would most respectfully ask you to present to the authorities at Richmond the impediment thrown in my way by having the hospitals inside the prison.

The number of prisoners on the 1st day of April was		7,160
I received up to-day from various sources	5,787	
I received up to-day, recaptured	7	
		5,794
Total		12,954
The number of dead from the 1st of April to 8th of May is	728	
The number escaped from the 1st of April to the 8th of May is	13	
		741
Leaving on hand		12,213

I would also call your attention to the danger of having our present guard force withdrawn and their places supplied by the reserve forces of Governor Brown.

In conclusion allow me to make a few remarks concerning myself. I am here in a very unpleasant position, growing out of the rank which I now hold, and suggest the propriety of being promoted. Having the full control of the prison, and consequently of the daily prison guard, the orders which I have to give are very often not obeyed with the promptness the occasion requires, and I am of opinion that it emanates from the reluctance of obeying an officer who holds the same rank as they do. My duties are manifold, and require all my time in daytime, and very often part of the night, and I would most respectfully ask that two commissioned officers (lieutenants) would be assigned to me for duty.

I am, major, most respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison.

Major THOS. TURNER, *C. S. A.*

Indorsed as follows:

Andersonville, Georgia, Camp Sumter, May 8, 1864.

Captain Henry Wirz, commanding prison.

Reports in reference to the general condition of the prison, and suggests the propriety of increased rank being given him.

Richmond, Virginia, May 25, 1864. Respectfully forwarded, recommended.

THOS. P. TURNER,
Major Commanding.

Approved and respectfully forwarded. Captain Wirz has proved himself to be a very diligent and efficient officer, whose superior in commanding prisoners and incident duties I know not.

JNO. H. WINDER,
Brigadier General.

GENERAL JOHN H. WINDER'S REPORT.

I have had opportunities of noticing the signatures of J. L. Seddon, rebel secretary of war, and of Colonel H. L. Clay, assistant adjutant general.

(A paper was here handed to the witness.)

I recognize here the signature of Colonel H. L. Clay, assistant adjutant general, and the initials of Mr. Seddon, secretary of war. Mr. Seddon was in the habit of signing papers and referring them by his initials.

(The signature of Brigadier General Jno. H. Winder was identified by Captain J. H. Wright, heretofore sworn as a witness for the prosecution.)

The JUDGE ADVOCATE then read and put in evidence the letter from John H. Winder, brigadier general, to General S. Cooper, of which the following is a copy:

CAMP SUMTER,
Andersonville, Georgia, July 21, 1864.

GENERAL: Your indorsement on the letter of S. B. Davis, relating to the strength of the guard at this post, contains a very severe censure, which I am sure would not have been made if you had had a clear comprehension of this post, of its wants and its difficulties. Reflect for a moment: 29,201 prisoners of war, many of them most desperate characters, a post a mile long by half a mile wide, the stockade for prisoners within 160 yards of a mile in circumference, numerous avenues leading to the post to be guarded, public property to be cared for, guards for working parties, and the ordinary camp guards for the troops, and you can form some estimate of the number it would require for these purposes. The following are the daily guards required, and they cannot be reduced, but ought to be increased.

Stockade: 1,600 yards around, 52 posts, supernumeraries 10—166 enlisted men, two commissioned officers; hospitals two, (unenclosed,) 1,735 patients and attendants, guards 73, 23 posts 69 and four (4) supernumeraries, and one commissioned officer.

Pickets around the stockade, 206. This picket is indispensable to prevent escape by tunnelling. Outlying pickets and railroad bridge guard, 43; six commissioned officers. Guard with party cutting wood daily, 100. Guard with working parties, 25.

This does not include accidental guards and camp guards	166
	73
	206
	43
	100
	25
Total	513

Strength of guard July 20, 2,421, including the prisoner guard detained here, from which deduct 517 sick, daily duty 227, and the artillery company 126 = 870, leaves 1,551. You will observe that, since Lieutenant Davis's report, the detained prisoner guards have been added to the strength of the guard. This gives the most favorable report of the forces at this post, and the duties required of it.

You speak in your indorsement of placing the prisoners properly. I do not exactly comprehend what is intended by it. I know of but one way to place them, and that is to put them into the stockade, where they have between four and five square yards to the man. This includes streets and two (2) acres of ground about the stream.

Respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier General.

General S. COOPER,
Adjutant and Inspector General.

Indorsed as follows:

CAMP SUMTER,
Andersonville, Georgia, July 21, 1864.

Brigadier General J. H. Winder reporting condition of this post, its wants and difficulties, Respectfully submitted to the secretary of war.

H. L. CLAY,
Assistant Adjutant General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
August 3, 1864.

Noted. File.

J. L. S.

COUNSEL for the accused asked the judge advocate to indicate for what purpose these papers were put in evidence.

The JUDGE ADVOCATE. In the introduction of these documents, I do not hesitate to state generally that while the government considers the prisoner an atrocious criminal, there are others above and higher than him, whom the government will seek to hold responsible for these great crimes; and it is for the purpose of proving on those who had the power to alleviate the sufferings of Union prisoners a knowledge of their condition, that these documents were introduced.

Mr. BAKER. That will be satisfactory, if you state in that general way what is introduced for such and such general purposes.

The JUDGE ADVOCATE. I state that generally with reference to the papers I am now introducing.

LIEUTENANT COLONEL D. T. CHANDLER'S REPORT OF HIS INSPECTION OF THE ANDERSONVILLE PRISON.

(Another paper, being a report from Lieutenant Colonel Chandler to W. H. Chilton, was here handed to witness.)

This document bears the signature of Lieutenant Colonel Chandler, assistant adjutant and inspector general in the same department as mine. It is marked as being received August 17, 1864.

The paper was read and put in evidence. The following is a copy:

ANDERSON, *January* 5, 1864.

COLONEL: Having, in obedience to instructions of the 25th ultimo, carefully inspected the prison for federal prisoners of war and post at this place, I respectfully submit the following report:

The federal prisoners of war are confined within a stockade 15 feet high, of roughly hewn pine logs, about 8 inches in diameter, inserted 5 feet into the ground, enclosing, including the recent extension, an area of 540 by 260 yards. A railing around the inside of the stockade, and about 20 feet from it, constitutes the "dead-line," beyond which the prisoners are not allowed to pass, and about 3¼ acres near the centre of the enclosure are so marshy as to be at present unfit for occupation—reducing the available present area to about 23½ acres, which gives somewhat less than 6 square feet to each prisoner. Even this is being constantly reduced by the additions to their number. A small stream passing from west to east through the enclosure, at about 150 yards from its southern limit, furnishes the only water for washing accessible to the prisoners. Some regiments of the guard, the bakery and cook-house, being placed on the rising grounds bordering the stream before it enters the prison, renders the water nearly unfit for use before it reaches the prisoners. This is now being remedied in part by the removal of the cook-house. Under the pressure of their necessities the prisoners have dug numerous wells within the enclosure, from which they obtain an ample supply of water to drink, of good quality. Excepting the edges of this stream, the soil is sandy and easily drained, but from 30 to 50 yards on each side of it the ground is a muddy marsh, totally unfit for occupation, and having been constantly used as a sink since the prison was first established, it is now in a shocking condition and cannot fail to breed pestilence. An effort is being made by Captain Wirz, commanding the prison, to fill up the marsh and construct a sluice—the upper end to be used for bathing, &c., and the lower end as a sink, but the difficulty of procuring lumber and tools very much retards the work, and threatens soon to stop it. No shelter whatever nor material for constructing any have been provided by the prison authorities, and the ground being entirely bare of trees, none is within reach of the prisoners, nor has it been possible, from the overcrowded state of the enclosure, to arrange the camp with any system. Each man has been permitted to protect himself as best he can, stretching his blanket, or whatever he may have, above him on such sticks as he can procure, thatches of pine or whatever his ingenuity may suggest and his cleverness supply. Of other shelter there is and has been none. The whole number of prisoners is divided into messes of 270, and subdivisions of 90 men, each under a sergeant of their own number and selection, and but one Confederate States officer, Captain Wirz, is assigned to the supervision and control of the whole. In consequence of this fact, and the absence of all regularity in the prison grounds, and there being no barracks or tents, there are and can be no regulations established for the police consideration of the health, comfort, and sanitary condition of those within the enclosure, and none are practicable under existing circumstances. In evidence of their condition, I would cite the facts that numbers have been found murdered by their comrades, and that recently, in their desperate efforts to provide for their own safety, a court organized among themselves by authority of General Winder, commanding the post, granted on their own application, has tried a large number of their fellow-prisoners, and sentenced six to be hung, which sentence was duly executed by themselves within the stockade, with the sanction of the post commander. His order in the case has been forwarded by him to the war department. There is no medical attendance provided within the stockade. Small quantities of medicines are placed in the hands of certain prisoners of each squad or division, and the sick are directed to be brought out by sergeants of squads daily, at "sick call," to the medical officers who attend at the gate. The crowd at these times is so great that only the strongest can get access to the doctors, the weaker ones being unable to force their way through the press; and the hospital accommodations are so limited that though the beds (so called) have all or nearly all two occupants each, large numbers who would otherwise be received are necessarily sent back to the stockade. Many—twenty yesterday—are carted out daily, who have died from unknown causes, and whom the medical officers have never seen. The dead are hauled out daily by the wagon load, and buried without coffins, their hands in many instances being first mutilated with an axe in the removal of any finger rings they may have. The sanitary condition of the prisoners is as wretched as can be, the principal causes of mortality being scurvy and chronic diarrhœa, the percentage of the former being disproportion-

ately large among those brought from Belle Isle. Nothing seems to have been done, and but little if any effort made to arrest it by procuring proper food. The ration is ⅓ pound of bacon and 1¼ pound unbolted corn meal, with fresh beef at rare intervals, and occasionally rice. When to be obtained—very seldom—a small quantity of molasses is substituted for the meat ration. A little weak vinegar unfit for use has sometimes been issued. The arrangements for cooking and baking have been wholly inadequate, and though additions are now being completed it will still be impossible to cook for the whole number of prisoners. Raw rations have to be issued to a very large proportion, who are entirely unprovided with proper utensils and furnished so limited a supply of fuel they are compelled to dig with their hands in the filthy marsh before mentioned for roots, &c. No soap or clothing has ever been issued. After inquiring, I am confident that by slight exertions green corn and other anti-scorbutics could readily be obtained. I herewith hand two reports of Chief Surgeon White, to which I would respectfully call your attention. The present hospital arrangements were only intended for the accommodation of the sick of 10,000 men, and are totally insufficient, both in character and extent, for the present needs; the number of prisoners being now more than three times as great, the number of cases requiring medical treatment is in an increased ratio. It is impossible to state the number of sick, many dying within the stockade, whom the medical officers never see orof hear until their remains are brought out for interment. The rate of death has been steadily increased from 37 4-10 per mil. during the month of March last to 62 7-10 per mil. in July. Of the medical officers, but ten hold commissions; nearly all of the others are detailed from the militia, and have accepted the position to avoid serving in the ranks, and will relinquish their contracts as soon as the present emergency is passed and the militia is disbanded. But little injury would result from this, however, as they are generally very inefficient. Not residing at the post, only visiting it once a day at sick call, they bestow but little attention to those under their care. The small-pox hospital is under the charge of Dr. E. Sheppard, P. A. C. S. More than half the cases in it have terminated fatally. The management and police of the general hospital grounds seem to be as good as the limited means will allow, but there is pressing necessity for at least three times the number of tents and amount of bedding now on hand. The supply of medicines is wholly inadequate, and frequently there is none, owing to the great delays experienced in filling the requisitions.

The guard forces, under the immediate command of Colonel Henry Forno, P. A. C. S., are composed of Captain Dyke's company, Florida light artillery, fifty-fifth regiment Georgia infantry, first, second, third, and fourth regiments Georgia reserves, and Lieutenant Colonel Furlow's battalion Georgia militia, an aggregate of 3,600 men, of whom 647 are now on the sick report. Captain Dyke's company of artillery is an efficient body of men, well drilled, disciplined, and officered. The fifty-fifth Georgia is composed of men who were absent from their command at the time their regiment, proper, was captured at Cumberland Gap. They are thoroughly demoralized, mutinous, and entirely without discipline, and should at once be removed from this point, and their places supplied with better troops. The colonel of this regiment, C. B. Harkie, though armed at the time, permitted his men to drag him from a railroad car and march him up and down the platform of the depot, and to take him from his tent, place him on a stump, and compel him to go through the manual of arms with a tent pole, and to sign and forward his resignation to the war department. This last he recalled by a telegram from Fort Valley. He has recently rejoined the command, but dares not assume command of the regiment.

The four regiments Georgia reserves have been newly organized, and without any effort being made to assign the old and young men to separate regiments, as should have been done. A large number are evidently within the ages of eighteen and forty-five, and I respectfully recommend that a reliable conscript officer be sent among them. These troops are entirely without discipline, and their officers are incapable of instructing them, being ignorant of their own duties. I recommend that one competent officer from the invalid corps be assigned to each regiment as drill officer and instructor. I found their arms in serviceable order, but many are lacking bayonets, cartridge boxes, and accoutrements. Furlow's battalion of Georgia militia, temporarily serving here, is armed with muskets without bayonets and accoutrements. Of the whole force there are 452 men entirely without arms. As will be seen by the accompanying report of the commandant of the post, there are required daily for duty an aggregate of 784 men, and frequent details are required in addition. At least 1,000 men more are essentially necessary in order to give the troops their proper rest.

The magazine has not yet been completed, and the ammunition is kept partly in the commissary store and partly in a tent. I also hand with this a sketch and report of Captain Moreno of the engineer corps, showing the nature of the defences and the stockades being erected. Sixteen pieces of field artillery are now here, some of which are now in position; the others will be placed in position as soon as the necessary work can be completed; six pieces more are en route. It is believed no other point in the State offers the same advantages of healthy location and facilities for safe-keeping of the prisoners, that is not more accessible to raids. Nor can I learn that any advantage can be gained by removal to any other part of the State. I am decidedly of opinion that not over 15,000 prisoners should be kept at this point, the running water not being sufficient for more than that number, and because it is impossible for one man to exercise a proper supervision over them, and that all over that num-

ber should be sent elsewhere. At my request a survey of the grounds has been made by Colonel Harkie, fifty-fifth Georgia regiment, and civil engineer, with a view to drainage. His report is herewith submitted, with a recommendation that his plan be carried out by the engineer department, that being the only one authorized to impress the necessary labor. The necessity for it is urgent. I also recommend that a supply of clothing be furnished for issue to the prisoners, and that soap and anti-scorbutics be regularly issued to them. Attention is specially invited to the report of Chief Surgeon White, relative to the construction of barracks, and the supply of additional tents for hospital use, and I would respectfully suggest that commissioned officers of the medical staff be sent to replace the contract physicians and doctors detailed from the militia, and that they be required to reside at the post. The transportation of the post is entirely insufficient, and authority is needed by the quartermaster to impress wagons and teams and saw-mills, when not employed by the government or railroads and *kept diligently occupied*, and instructions given to the quartermaster in charge of transportation to afford every facility practicable for transporting lumber and supplies necessary for prisoners. Bake-pans, or sheet-iron for making them, should at once be furnished. The telegraph line should be continued from Fort Valley to Andersonville, thirty-one miles. Attention is respectfully called to the accompanying copy of an order issued by Brigadier General Gardner, to convert all moneys belonging to prisoners, in the hands of the quartermaster at Richmond, into confederate currency, and at the prices established by government, without consulting the wishes of the prisoners on the subject. It will be seen by the account book forwarded with this, that some of these claim considerable amounts. The injustice of compelling them to receive our currency against their consent is apparent.

In conclusion I beg leave to recommend that no more prisoners be sent to this already overcrowded prison, and that at the two additional localities selected by General Winder under instructions from General Bragg—the one near Millen, Georgia, the other some point in Alabama south of Cahawba—arrangements be at once made for the excess over 15,000 at this post, and such others as may be captured. Since my inspection was made, over 1,300 prisoners have been added to the number specified in the reports herewith. With a view of relieving to some extent this point as soon as possible, I respectfully suggest that 2,000 of those who most need the change, especially the Belle Isle prisoners, be at once sent to Macon, to occupy the quarters vacated by the federal officers, that being the greatest number that can be properly accommodated with shelter at that point.

It is absolutely necessary that the regulations for the government of the prisoners be legibly painted on boards and exposed in conspicuous places, say by nailing on the sutler's shop and on the inner face of the stockade at various points. Those established by Captain Wirz, herewith submitted, are approved, with the exception of paragraph 4th, which it is recommended shall be stricken out.

I am, colonel, your obedient servant,

D. T. CHANDLER,
Assistant Adjutant and Inspector General.

Colonel R. H. CHILTON,
Assistant Adjutant and Inspector General.

Indorsed as follows: Andersonville, Sumter county, Georgia, August 5, 1864. D. T. Chandler, lieutenant colonel and assistant adjutant and inspector general. Report of inspection of military prison at Andersonville. 18 enclosures.

(A paper was here exhibited to witness.)

This is a supplemental report, made at the same time as the report previously read; it was sent as an enclosure with that report, and is supplementary to it. The paper was then put in evidence. The following is a copy:

ANDERSONVILLE, *August* 5, 1864.

COLONEL: The following additional report of my inspection at this point is respectfully submitted:

Colonel Henry Forno, in immediate command of the guard forces, deserves special mention as an active, intelligent, energetic, and zealous officer.

Captain Henry Wirz, in immediate command of the prison, is entitled to commendation for his untiring energy and devotion to the discharge of the multifarious duties of his position, for which he is pre-eminently qualified. I respectfully concur in the recommendation which has been forwarded by General Winder for his promotion, and further recommend that not less than three captains or subalterns, specially selected for their fitness for the position, be furnished him as assistants.

Captain J. W. Armstrong, A. C. S., left the post shortly after my arrival on sick leave, locking up nearly all his books and papers. I was consequently unable to make a satisfactory examination into his affairs. Enough information, however, was elicited to show that he is

a very inefficient officer, and entirely incompetent for the discharge of the duties of his position, and should at once be removed, (in pencil, "General Order No. 93, Art. 26, should be enforced.") Captain R. B. Winder, assistant quartermaster, is an energetic and efficient officer, whose whole time and attention are requisite for the duties strictly appertaining to his position. The additional duties devolved upon him by the instructions from the quartermaster general's office, requiring him to establish and superintend a large shoe factory, should be imposed on some other officer of the department.

The other staff officers at this post seem intelligent and efficient in the discharge of their duties, with the exceptions of Captain Samuel S. Baily, assistant adjutant general, who is mentally and physically incapacitated for their performance, and Surgeon E. Sheppard and Assistant Surgeons R. E. Alexander and A. Thombaugh, who are represented by the chief surgeon as being incompetent and inefficient.

My duty requires me respectfully to recommend a change in the officer in command of the post, Brigadier General J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe, and which is a disgrace to civilization; the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

In obedience to instructions, I shall next proceed to the headquarters of the army of Tennessee, and request that any communications for me be forwarded there to the care of the chief of staff.

I am, colonel, very respectfully, your obedient servant,

D. T. CHANDLER,
Assistant Adjutant and Inspector General.

Col. R. H. CHILTON,
Assistant Adjutant and Inspector General,
C. S. A., Richmond, Va.

Indorsed as follows: Andersonville, Sumter county, Georgia, August 5, 1864. D. T. Chandler, lieutenant colonel and assistant adjutant and inspector general.

Additional report of inspection at Andersonville.—Enclosure.—Extract made for C. S General.

CAPTAIN WIRZ'S REPORT TO COLONEL CHANDLER.

(Another paper being exhibited to witness, he identified it as another enclosure of the report previously read. It was offered in evidence. The following is a copy:)

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
Camp Sumter, August 1, 1864.

COLONEL: I have the honor to enclose consolidated report of the military prison under my charge for the month of July, 1864.

Allow me the [to] point out to you some items which, if possible, ought to be attended to.

We have an inadequate supply of tools to put the interior of the prison in a proper condition; we need axes, wheelbarrows, and such things; we need lumber, lime, iron, sheet iron for backing [baking] pans.

The prison, although a large addition has been made, is too crowded; almost daily large numbers of prisoners arrive, and before two weeks it will be in the same condition it was before the addition was made, and all internal improvements, which you are aware yourself are of the utmost importance, will come to a dead halt for want of room. As long as 30,000 men are confined in any one enclosure, the proper policing is altogether impossible. A long confinement has depressed the spirits of thousands, and they are utterly indifferent.

Manyfold ways and means have been resorted to to get out of stockade: 83 tunnels, some 40 feet under ground and varying in length from 10 to 140 feet, have been discovered and filled up.

One prisoner alone has made his escape through a tunnel. All the others escaped from the guard while at work at the outside.

The rations are mostly the same as for our own men, $\frac{1}{3}$ of a pound of bacon, $1\frac{1}{4}$ pound corn-meal, or 1 pound of fresh beef in lieu of bacon; occasionally beans, molasses, and rice is issued; vinegar and soap, both very important articles, are very seldom issued, as the commissary says he cannot get them. Scurvy is the principal disease, and it and all other

diseases are in an undue proportion confined to the old prisoners, who were first at Belle Isle, Richmond. The guard which I require for safe keeping of the prisoners is entirely insufficient, simply because the men have to perform guard duty every other day; this, it is not necessary for me to say, is too much. With the exception of a portion of the 55th Georgia, the balance are militiamen, and are perfectly undrilled and undisciplined.

A good deal could yet be said as to how and why the prison is not in a better condition, but I deem it unnecessary, as you have seen for yourself where the fault lays.

Hoping your official report will make such an impression with the authorities at Richmond that they will issue the necessary orders to enable us to get what we so badly need,

I remain, colonel, most respectfully, your obedient servant,

H. WIRZ,
Capt., A. A. G., Commanding Prison.

Colonel CHANDLER,
Confederate States Army.

Indorsement: 8. C. 5. Exhibit 20. Anderson, Georgia, August 1, 1864. H. Wirz, captain commanding military prison, C. S. A., reports relative to condition of prison, &c. 6 enclosures. 2 Enclosures.

ANDERSONVILLE, *August* 4, 1864.

Respectfully submitted with "Inspection report."

D. T. CHANDLER,
Assistant Adjutant and Inspector General.

Received A. and I. G. O., August 17, 1864.

CONSOLIDATED RETURN OF THE ANDERSONVILLE PRISON FOR JULY, 1864.

(Another paper being exhibited to witness, he identified it as another enclosure of the report previously read. It was offered in evidence. The following is a copy:)

Consolidated return for confederate States military prison at Camp Sumter, Andersonville Georgia, for the month of July, 1864.

Prisoners on hand on 1st of July, 1864, in camp	25,005	
in hospital	1,362	
		26,367
Prisoners received during the month from various places	7,064	
recaptured	12	
		7,076
Total		33,443
Died during the month	1,742	
Escaped	20	
Sent to other posts	3	
		1,765
Total on hand		31,678
Of which there are in camp		29,998
Of which there are in hospital		1,680

The number escaped from stockade and not recaptured, from the 1st of April up to date, is 27 men.

Average number of prisoners each day	29,030
Average number of dead each day	56⅕

H. WIRZ,
Captain Commanding Prison.

CONSOLIDATED RETURN OF THE ANDERSONVILLE PRISON FOR THE WEEK ENDING JULY 31, 1864.

(Another paper being exhibited to witness, he identified it as another enclosure of the report previously read. It was offered in evidence. The following is a copy:)

Confederate States military prison, Camp Sumter, Andersonville, Ga.—Consolidated return for the week ending July 31, 1864.

Date.	Received.	Recaptured.	Total received.	In prison quarters.	In hospital.	Grand total.	Escaped.	Died.	Sent to other posts.	Paroled, released, and escaped.	Total died, escaped, sent off, paroled, released, and exchanged.	In prison quarters.	In hospital.	Total on hand.	Remarks.
July 25 ..	3	.....	3	27,712	1,645	29,360	.....	63	.....	.....	63	27,715	1,582	29,297	3 prisoners from Savannah.
July 26 ..	36	.....	36	27,647	1,655	29,333	.....	65	.....	.....	65	27,678	1,590	29,268	31 prisoners from Salisbury, 5 from Augusta.
July 27 ..	673	.....	673	27,634	1,634	29,941	2	71	1	.....	74	28,304	1,563	29,867	494 prisoners from Lynchburg, 39 from Atlanta.
July 28 ..	1,029	.....	1,029	28,083	1,784	30,896	2	80	.....	.....	82	29,110	1,704	30,314	140 prisoners from Macon, and 11 sent to Macon.
July 29 ..	1,110	.....	1,110	29,081	1,733	31,924	2	83	.....	.....	85	30,191	1,648	31,839	1,019 prisoners from Atlanta, 10 from Augusta.
July 30 ..	4	2	6	30,088	1,751	31,845	.....	71	.....	.....	71	30,092	1,682	31,774	784 prisoners from Atlanta, 385 from Danville.
July 31 ..	.....	.....	.....	29,998	1,776	31,774	.....	96	.....	.....	96	29,998	1,680	31,678	4 prisoners from Atlanta, 1 from Macon.

I certify that the above is a correct copy from my prison journal.

CAMP SUMTER, *Andersonville, Ga.*

H. WIRZ, *Captain Commanding Prison.*

Approved:

CAPTAIN W. S. WINDER, *A. A. G.*

THE DISPOSITION OF THE REPORTS SHOWING THE CONDITION OF THE ANDERSONVILLE PRISON.

WITNESS. When these papers were submitted to the department they were forwarded to the Secretary of War with indorsement, immediately on their receipt by Colonel Chilton, inspector general.

(A paper was here shown to the witness.)

That is Colonel Chilton's signature; that is his indorsement made at the time.

(The paper was then offered in evidence. The following is a copy:)

[Exhibit 23.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
August 18, 1864.

Respectfully submitted to the secretary of war. The condition of the prison at Andersonville is a reproach to us as a nation.

The engineer and ordnance departments were applied to for implements, authorized their issue, and I so telegraphed General Winder.

Colonel Chandler's recommendations are concurred in.

By order of General S. Cooper:

R. W. CHILTON, *A. A. & I. G.*

Q. This reads, "respectfully submitted to the secretary of war, &c." Was the report so submitted?

A. Yes, sir.

Q. In whose handwriting is the name "Mr. Wellford" on this paper (Exhibit 23)?

A. It is in the handwriting of Judge Campbell, assistant secretary of war.

Q. Who is Mr. Wellford?

A. He was the attorney for the war department.

Q. (Another paper being shown to witness.) Whose indorsement is that?

A. That is the indorsement of Judge Campbell to the secretary of war.

Q. (The attention of the witness being directed to another part of the same paper.) Whose writing is that?

A. Mr. Wellford's writing.

Q. What was Mr. Wellford's duty?

A. To examine the papers, to make an analysis of them, and submit them to the secretary of war with his opinion.

(The paper was then offered in evidence. The following is a copy:)

SECRETARY OF WAR:

These reports show a condition of things at Andersonville which calls very loudly for interposition of the department in order that a change may be made.

J. A. CAMPBELL,
Assistant Secretary of War.

C—5.

Report of Inspection of military prison at Andersonville, Georgia.—(18 *enclosures.*)

D. T. CHANDLER, *Lieutenant Colonel, &c.*

"This report discloses a condition of things imperatively demanding prompt and decisive measures of relief. The discomforts and sufferings of the prisoners seem almost incredible; and the frightful per centum of mortality, steadily increasing until in the month of July it had attained the extent of 62 and 7-10 per thousand, appears to be only a necessary consequence of the criminal indifference of the authorities charged with their care and custody. No effectual remedy for all the evils seems available so long as the numbers are in such large excess over that for which the prison was designed; but some things can be * * at once to ameliorate the con * *. Colonel Clandler, whose recommend * * are approved by Colonel Chilton, suggests the relief of General Winder and substitute * * some other commander. The state * * things disclosed in the reports cannot—"

WITNESS: These indorsements show the report was laid before the secretary of war. I do not know of any action taken on the report by the secretary of war. General Winder was assigned to the command of all the prisoners about two weeks afterwards, I think. He was assigned as commissary general of prisoners. An analysis of the report was made and extracts were sent to the surgeon general, the quartermaster general, the commissary general; in fact all the bureaus of the war department. I have no evidence that this report went before Jefferson Davis. I have no positive evidence at all that it ever went to Mr. Davis.

Q. Did you learn from a staff officer of Jefferson Davis that this report was laid before him; and if so, in what way did you receive the intelligence?

(Mr. BAKER objected to the question on the ground that the charges and specifications embraced no charge against Jefferson Davis.

The COURT, after deliberation, overruled the objection.)

A. I cannot say that I did. It is mere inference that it was so laid before him, and I would hardly be authorized in stating that inference.

Q. Can you recollect the language made use by the officer referred to?

Mr. BAKER. We object.

The PRESIDENT. Cannot the witness state the facts on which the inference is founded?

WITNESS. I have a very indistinct recollection of the conversation with the aide of Jefferson Davis.

Mr. BAKER objected to the witness stating the facts on which his inference is founded.

The COURT, after deliberation, overruled the objection.

WITNESS. As I said before, I will not hazard a statement of the conversation that I had. My recollection is so indistinct that I am not willing to hazard my own inference. The question of the judge advocate was doubtless suggested by a remark which I made to him yesterday, though I stated at the time that I would not hazard it as testimony. Consequently I cannot state any facts on which I base the inference.

By the COURT:

The conversation was between Colonel Woods and myself in regard to the Andersonville prison, and during that conversation I obtained the impression that President Davis had some knowledge of it; but I am not willing to hazard that as testimony, for I have a very indistinct recollection. The inference to which I allude was formed at the time of this conversation. I recollect that that was my inference.

By the JUDGE ADVOCATE:

It was subsequent to these reports. I don't recollect how long after; it must have been very shortly afterwards. Colonel Woods was John Taylor Woods, a lieutenant in the navy, and aide to President Davis. I think a paper of this kind, on a subject of this magnitude, would find its way to the president of the so-called Confederate States, in the ordinary course of proceedings. Extracts were made and sent to the quartermaster and commissary departments about the time the report was handed in.

(Exhibit 19 was here shown to witness.)

These words, "Extract made for C. S. General," are in my handwriting.

(Exhibit 18 was here shown to witness.)

These words, "Extracts from within report have been sent to the different bureaus, and directions to General Winder for correction and remedy of the evils, &c.," are in my handwriting.

SURGEON ISAIAH WHITE'S REPORT TO COLONEL CHANDLER.

(A paper was here exhibited to witness.)

The indorsement upon that paper is by the surgeon general. The paper was an enclosure of Colonel Chandler's report. S. D. Moore was the surgeon general of the confederate army.

(The paper was then offered in evidence. The following is a copy:)

CHIEF SURGEON'S OFFICE,
August 2, 1864.

COLONEL: I have the honor to submit the following report of the sanitary condition of the Confederate States military prison:

The number of sick on morning report is one thousand three hundred and five (1,305) in hospital, and five thousand and ten (5,010) in quarters.

The total number of deaths from the organization of the prison, (February 24, 1864,) up to date, is 4,585.

The following table exhibits the ratio per one thousand (1,000) of mean strength during the different months:

Month.	Mean strength.	Deaths.	Ratio per 1,000 of mean strength.
March	7,500	283	37.4
April	10,000	576	57.6
May	15,000	708	47.2
June	22,291	1,201	53.87
July	29,030	1,817	62.7

Owing to insufficient hospital accommodation many are treated in quarters who should be in hospital. The present capacity of the hospital is for 1,400 sick. The hospital is situated in an oak grove, affording good shade. Through the hospital passes a stream, furnishing an ample supply of water for cleanliness; drinking-water is obtained of good quality from wells and springs on the banks of the stream.

The tents are insufficient in number and not of proper size for the treatment of sick; most of them are the small fly tent and tent flies. There should be at least two hundred hospital or five hundred wall tents to properly accommodate the sick. It has been impossible up to this time to obtain straw for bedding, this not being a grain-growing district; small crops of wheat have been grown this year, and efforts are being made to collect a sufficient quantity as soon as the present crop is threshed; but there is a lack of transportation at the post, and farmers are unwilling to hire their own teams for the purpose. The attendants are paroled prisoners, who, as a rule, are faithful to the performance of their duty, being actuated by the improvement of their own condition on removal from the stockade, and a fear of a return if negligent in the performace of duty, apart from a desire to serve their own sick comrades. The number of medical officers, until the recent call of militia by the governor of Georgia, was utterly inadequate; since that time a number of physicians have been employed by contract, and others have been detailed by the governor to serve in the medical department. These have been recently assigned and it is impossible to decide on their proficiency. The other medical officers, with a few exceptions, are capable and attentive. The physicians who have been recently employed will no doubt cancel their contracts as soon as the militia is disbanded, and the services of the detailed physicians will also be lost. With this view I would suggest that a sufficient number of competent medical officers be assigned.

There is a deficiency of medical supplies issued by the medical purveyor. Supplies of medicines have occasionally been entirely exhausted, and we have been left several days at a time without any whatever. This has arisen from the delay experienced in sending requisitions to medical director at Atlanta for approval.

The hospital ration is commuted as for other general hospitals, and supplies for the subsistence and comfort of sick are purchased with hospital fund. Heretofore we have been able to supply sick with vegetables: but during the entire month of July the commissary has been without funds, and difficulty has been experienced in purchasing on time.

The ration issued to the prisoners is the same as that issued to the confederate soldiers in the the field, viz: ⅛ pound pork, 1¼ pound meal, with an occasional issue of beans, rice, and molasses.

The meal is issued unbolted, and when baked is coarse and unwholesome.

Amongst the old prisoners, scurvy prevails to a great extent, which is usually accompanied

by diseases of the digestive organs. This, in connection with the mental depression produced by long imprisonment, is the chief cause of mortality. There is nothing in the topography of the country that can be said to influence the health of the prison.

The land is high and well drained, the soil light and sandy, with no marshes or other source of malaria in the vicinity, except the small stream within the stockade. The densely crowded condition of the prisoners, with the innumerable little shelters irregularly arranged, precludes the enforcement of proper police, and prevents free circulation of air.

The lack of barrack accommodation exposes the men to the heat of the sun during the day and to the dew at night, and is a prolific source of disease.

The margins of the stream passing through the stockade are low and boggy, and having been recently drained, have exposed a large surface covered with vegetable mould to the rays of the sun, a condition favorable to the development of malarious diseases. It is the design of the commandant of the prison to cover the surface with dry sand, but the work has been unavoidably retarded.

The absence of proper sinks (and the filthy habits of the men) have caused a deposit of fecal matter over almost the entire surface of this bottom land.

The point of exit of the stream through the walls of the stockade is not sufficiently bold to permit a free passage of ordure.

When the stream is swollen by rains the lower portion of this bottom land is overflowed by a solution of excrement, which, subsiding and the surface exposed to the sun, produces a horrible stench.

Captain Wirz, the commandant of the prison, has doubtless explained to you the difficulties which have prevented these, with other projected improvements, in the way of bathing and other arrangements for cleanliness.

Respectfully submitted:

ISAIAH H. WHITE,
Chief Surgeon Post.

Colonel CHANDLER.

[Indorsements]

ANDERSONVILLE, GA., *August* 4, 1864.

Respectfully submitted with inspection report:

D. T. CHANDLER, *A. A. & I. G.*

Remarks in pencil: Surgeon Cooney has been ordered to inspect and report on hospital accomodations for prisoners.

Surgeon White was authorized some time since to send his requisitions for supplies direct to the medical purveyors. Not having supplies is his own fault; he should have anticipated the wants of the sick by timely requisitions. All requisitions are approved by medical directors.

It is impossible to order medical officers in place of the contract physicians. They are not to be had at present.

S. D. MOORE, *Surgeon General.*

REPORT OF STAFF OFFICERS ON DUTY WITH GENERAL WINDER.

SEPTEMBER 8, 1865.

Captain J. H. WRIGHT, recalled for the prosecution:

(A paper was exhibited to witness.)

I identify that as the signature of General John H. Winder.

The JUDGE ADVOCATE. I offer this in evidence simply to show that General Winder had a large enough corps of staff officers to enable him to perform his duties.

The paper was admitted in evidence. The following is a copy:

Return of staff officers acting under the order of Brigadier General John H. Winder, commanding post at Anderson, Georgia, commanding camps and stockade containing the federal prisoners of war and the guard troops for the same, the prison for federal prisoners of war at Macon, &c.

Number.	Name.	Rank.	Date of order.	By whom required.	On what duty.	Remarks.
1	W. S. Winder	Captain, A. A. G	June 3, 1864	S. O. No. 129, A. & I. G. O		The staff were brought with me by the verbal consent of the adjutant and inspector general to take with me such as I might require, there being no staff officers at this or the previous command to which I was assigned.
2	Robert W. Brown	Lt., A. D. C	June 3, 1864	S. O. No. 129, A. & I. G. O	Sick and absent.	
3	Warner Lewis. (In pencil:) "No duties."	(Obliterated.) Detailed without commission.	June 3, 1864	S. O. No. 129, A. & I. G. O	(Obliterated.)	
4	S. Boyer Davis	Lt., A. D. C	June 3, 1864	S. O. No. 129, A. & I. G. O	Assistant to the commandant of federal prisoners at this post.	Lt. & A. D. C. to Maj. Gen. Trimble; wounded at Gettysburg, escaped from federal hospital. Assigned to me for duty.
5	N. Shelby Reed. (In pencil:) "Supernumerary."	Capt., P. A. C. S	June 3, 1864	S. O. No. 136, A. & I. G. O	Provost marshal at the post	Assigned for thirty (30) days and waiting further orders from the war department.
6	R. B. Winder	Captain, A. Q. M	Aug. 13, 1862	Secretary of war	Post quartermaster, also in charge of quartermaster's department of federal prisoners at Macon.	Ordered by General Winder to report to the commandant at Anderson, December 10, 1863, Pr. S. O. headquarters department of Henrico.
7	J. W. Armstrong	Captain, A. C. S	May 25, 1864	S. O. No. 121 A. & I. G. O	Commissary of the post.	
8	T. Morino	Captain, C. S. Eng	July 13, 1864	Maj. Gen. McLaws, through Captain John McCrady, A. Chief Engineer Ga., and 3d district, South Carolina.	Engineer in charge of works now being constructed at this post.	Lieutenant Robert W. Stiles, engineer corps, is temporarily on duty as assistant to Captain Morino at Anderson, Ga., by order of Captain John McCrady, acting chief engineer district of Ga. and 3d district of South Carolina, Special Order No. 12 of July 26, 1862. D. T. CHANDLER, A. A. & I. G.
9	Dr. I. H. White	Chief surgeon	Jan. 21, 1864	S. O. No. 17, A. & I. G. O	Chief surgeon in charge of C. S. and federal hospitals at Anderson.	
10	E. Griswold (In pencil:) "Supernumerary; sites selected."	Major, A. A. G		S. O. No. —, A. & I. G. O. (In pencil:) "Points have already been selected—this officer is supernumerary." R. H. C.	Engaged in selecting a site for a new prison to be established by authority of adjutant and inspector general.	Assigned to duty by order of the secretary of war. Transferred from Richmond.
11	H. Wirz	Captain, A. A. G			Commandant of federal prisoners at Anderson.	

12	D. W. Vowles.....	Captain, A. A. G...	July 11, 1864	Secretary of war, through General W. M. Gardner, commanding at Richmond.	(In pencil:) "Supernumerary."	
13	Samuel T. Bailey.....	Captain, A. A. G...	July 7, 1864	S. O. No. 158, A. & I. G. O.....	Acting inspector and ordnance officer to the troops.	Reported inefficient. Should be examined under G. O. No. 93, October 26. Not performing legitimate duties of the department, A. A. G.

JOHN H. WINDER, *Brigadier General Commanding.*

CAMP SUMTER, ANDERSON, GA., *July* 31, 1864.

[Indorsed.]

(In red) 12 C—5. "Return of staff officers attached to command of Brigadier General Winder, commanding Andersonville, Ga., August 1, 1864.

Respectfully submitted with "Inspection report." (In red) "C—2."

ANDERSON, GA., *August* 4, 1864.

D. T. CHANDLER,
Lt. Col. & A. A. & I. G.

Received A. & I. G. O., August 17, 1864.

REPORT OF GUARD FORCES STATIONED AT ANDERSONVILLE.

(A paper was here exhibited to witness.)

I identify that as the signature of General John H. Winder.

The JUDGE ADVOCATE. I propose to offer this report in evidence to show the number of troops on duty at Andersonville at the time it was made.

(The paper was admitted in evidence. The following is a copy :)

Consolidated report of the guard forces stationed at Andersonville, Georgia, commanded by Colonel Henry Forno, P. A. C. S.

Regiment.	Commissioned officers for duty.	Non-commissioned officers for duty.	Enlisted men for duty.	Aggregate.	Sick, (present and absent.)	In arrest, (present and absent.)	On special or daily duty.	On detached service.	Aggregate absent with leave.	Aggregate absent without leave.	Effective total for duty.	Aggregate present and absent.
First regiment Georgia reserves*	30	52	230	312	202	5	68	33	20	80	350	736
Second regiment Georgia reserves†	27	57	301	385	75	16	25	29	23	46	333	611
Third regiment Georgia reserves‡	24	54	475	563	144	10	80	32	71	111	609	1,016
Fourth regiment Georgia reserves§	24	49	303	376	126	13	17	6	23	124	369	704
Detachment fifty-fifth Georgia regiment‖	4	12	75	91	37	3	22	50	10	8	109	230
Florida light artillery¶	4	15	95	114	24	1	....	14	5	4	114	162
Furlow's battery, Georgia militia**	19	43	309	371	39	....	....	21	75	12	352	516
Total	132	282	1,788	2,202	647	48	212	185	227	375	2,282	3,975

NOTE.—Colonel Forno has no staff. Lieutenant Furlow is acting adjutant—formerly aide-de-camp to General Doles; his assignment asked.

* Lieut. Colonel J. J. Neely, commanding.
† Lieut. Colonel C. M. Jones, commanding.
‡ Lieut. Colonel Jno. L. Moore, commanding.
§ Major J. H. Burks, commanding.
‖ Captain J. M. Griffin, commanding.
¶ Captain C. E. Dyke, commanding.
** Lieut. Colonel T. M. Furlow, commanding.

Report of number of men required daily for duty as guard at stockade, in batteries, to working squads of prisoners, to wood squads, as provost guards, &c., &c.; also number of men on duty inside of stockade.

	Officers.	Non-commissioned officers.	Enlisted men.
Day guard at stockade	2	10	156
Day reserve at stockade	2	8	80
Night reserve at stockade	2	8	110
Guards with wood, squads for stockade	1	.....	100
Guards at batteries	.....	6	30
Provost guards	4	10	75
Outlying pickets	.....	8	38
Bridge guard, &c.	.....	2	10
Men on duty in stockade	.....	.....	45
Hospital guards	1	4	69

RECAPITULATION.

	Officers.	Non-commissioned officers.	Enlisted men.	Aggregate.
Present for duty	132	282	1,788	2,202
Required for daily duty	15	56	713	784
Unarmed	117	226	1,075	1,418
				452
In case of emergency (armed)	------	------	------	966

JOHN H. WINDER, *Brigadier General.*

Respectfully submitted with inspection report:

D. T. CHANDLER, *A. A. and I. G.*

ANDERSON, GEORGIA, *August* 5, 1864.

SEPTEMBER 8, 1865.

C. M. SELPH, recalled for the prosecution:

(Exhibit 26 being shown to witness.) I identify that as one of the enclosures of Colonel Chandler's report.

APPEAL OF GENERAL WINDER FOR LABORERS, TEAMS, ETC., TO COMPLETE THE FORTIFICATIONS AT ANDERSONVILLE.

(Another paper was here exhibited to witness.)

This document is another enclosure of the same report.

The JUDGE ADVOCATE. I propose to offer this in evidence to show mainly that General Winder had power to make impressments which he ought to have done for the purpose of alleviating the sufferings of the prisoners.

(The document was admitted in evidence. The following is a copy :)

AN APPEAL.

To the citizens of Macon, Taylor, Randolph, Schley, Terrel, Baker, Calhoun, Lee, Sumter, and Dougherty counties :

Prominent citizens have suggested that the agricultural interests of the country would be promoted by an appeal to the people to furnish at this time, labor enough to complete at once the fortifications at this post.

I am informed that the farming communities can better spare their entire force at this particular season, than a small portion at a later period. The fortifications at this post must be constructed at once. The safety of the very country and people upon whom I call, and the welfare of the government, demand that it shall be done.

The engineer in charge says that with *two thousand* (2,000) negroes, properly supplied with axes, spades, and picks, and supported by the requisite number of wagons and teams, he can complete the work in ten (10) days. Each owner, so far as is practicable, will send these implements with his negroes. The counties above mentioned are rich and populous. I appeal to the people to send at once the required force, and save themselves from the necessity of impressment.

Whether the works are completed or not, the negroes shall be returned to secure fodder, &c., &c.

Two thousand negroes and fifty wagons and teams are required. Provisions and forage are scarce, and each owner will send food and forage for his hands and horses.

So far as can be foreseen, this will be the last call made upon the people for this post. I have authority to make impressments, but the patriotic response in the late emergency makes it desirous, if possible, to avoid the exercise of this power.

JOHN H. WINDER,
Brigadier General.

CAMP SUMTER, ANDERSON, GEORGIA, *July* 27, 1864.

THE DISPOSITION OF THE REPORTS SHOWING THE CONDITION OF THE ANDERSONVILLE PRISON.

Cross-examined by COUNSEL:

In my indorsement on the report of Colonel Chandler I referred to the extracts of that report. Those extracts were sent to the chiefs of the different bureaus. The extracts are marked with the bureaus to which they were referred. I heard from the chiefs of those bureaus after sending the extracts, but what it was I don't recollect. My impression of what I heard is so slight that I don't think it would amount to anything. I cannot state from what bureaus I received responses; it was impossible for me to tell the action on the different extracts, when probably I sent thousands of them out. I have an impression that answers were received; but the effect of those answers I don't recollect. So far as I recollect returns were received from all the bureaus. I recollect that in the case of the surgeon general, the hospitals at Andersonville were ordered to be placed on the same footing, and to receive the same quantity of supplies as the hospitals for our own soldiers. Extracts were made, and answers from the different bureaus were required to be returned with the extracts themselves. The extract to the surgeon general was returned with an indorsement to the effect that he had so instructed. This was suggested by the extract referred to. I do not know where that report is. I cannot tell about what time I sent those extracts to those bureaus. I cannot tell the month unless I should take it from the date of the report itself. I think it was made immediately after receiving these reports. I would make extracts and send them to different bureaus immediately after their return from the secretary of war—immediately after the return of the report and enclosures. I sent these to the secretary of war immediately upon perusing the papers, probably the same day or the day afterwards. It would depend upon the importance of the papers and the activity of the secretary of war, how long before they would be received back after being sent there. It is a question I cannot decide. Sometimes it would be a week, but frequently they would be returned the same day. I think that report was sent to the secretary of war the day after it was received. Considering the importance of all these papers, the question, how long would it probably be before they would get back again? would be answered accurately by the indorsement; I suppose within a week. I cannot state how many days, not more than a week; it might be less. In some cases we made extracts before sending them to the secretary of war. I presume that some of these extracts were made before sending them to the secretary of war. I don't think I can answer the question whether the one sent to the surgeon general was sent before or after they went to the secretary of war? I have no impression about it. If the adjutant general had the power to correct the evils reported, the extracts would be sent, or directions made before sending to the secretary of war, if it needed the authority of the secretary of war, when the report

would be sent to him for his instructions. Some of these papers required the sanction of the secretary of war and some did not, I believe. I have means of forming an opinon as to the time when the report was received back from the surgeon general; his indorsement will show that. It is very probable that the enclosure to Colonel Chandler was enclosed with the extract of the report. I do not know whether the extract sent to the surgeon general was ever received back. I have said that my impression was that it was received back with an indorsement; that is my impression now. On looking at the back of this paper, I find no indorsement from the adjutant general's office referring it to the surgeon general's. From that I presume that this was an enclosure to the extract. The extract contained the indorsement of the adjutant general's office referring it to the surgeon general, and he returned this paper with his indorsement. He may, or may not, have sent back the extract. I cannot state positively whether there was any indorsement on the extract; but either on that particular extract or on some other extract of the same nature in that report, or some paper with reference to that report, there was an indorsement to that effect.

(The indorsement in pencil on the report of Surgeon Isaiah H. White, signed S. D. Moore, was here read to witness.)

That is to the same effect as the indorsement to which I referred in speaking of the response of the surgeon general to my indorsement. The papers will show much better than my recollection. I refer to the papers that grew out of the nature of that report, not referred to in the report. I have seen those papers; they were in my hands, in the adjutant general's office. I have not seen any of those papers in the hands of our (this) government. The government did not take possession of the papers in that department to my knowledge. The papers were sent off from Richmond, and I don't know what became of them. I have no means of telling about what time this report was returned to me; my recollection is very confused on these questions. It would be few days after the extract was sent. Your questions will necessary elicit contradictions from me because my memory is very confused on these points. I have no accurate knowledge of the channel through which the orders of the surgeon general passed to arrive at Andersonville, what bureaus they had to go through, nor how long it would take. My general knowledge would lead me to say that it went direct from the surgeon general to any chief officer of his department at Andersonville. I have no knowledge from that office whether any was sent from him except by this report; I don't recollect any. I have no knowledge whether they were ever sent at all, except from this report.

(The report of Colonel D. T. Chandler was here shown to witness.)

This memorandum states that extracts were made for the commissary general. Those extracts were sent to the commissary general alone. I don't know whether any return from that extract was received.

By the JUDGE ADVOCATE:

When I stated that those extracts were sent to the chiefs of the different bureaus, I meant to say that I sent them myself.

LIEUTENANT COLONEL CHANDLER'S INSPECTION OF THE PRISON—ITS CONDITION—GENERAL WINDER'S BITTERNESS TOWARDS THE PRISONERS—HIS FAILURE TO ALLEVIATE THEIR SUFFERINGS, ETC.

SEPTEMBER 9, 1865.

D. T. CHANDLER, for the prosecution:

I was in the service of the confederate government from February, 1863, until the close of the war. I held the appointment of lieutenant colonel in the adjutant general's department, and latterly was assigned to duty as inspector general. I was the officer who made the report signed "D. T. Chandler," which

was read to the court yesterday. I have no retraction whatever to make in regard to the condition of the prison at Andersonville, as represented in my report. I devoted about a week, something less than a week, to an inspection of that place. The report was based upon information conveyed to me in official communications from General Winder and the officers of his staff, inspection of the books and papers, the records of the different offices of that post, and actual inspection of the troops, the stockade and the hospital. I will further state that I had some conversation with the prisoners in the stockade. I noticed that General Winder seemed very indifferent to the welfare of the prisoners, indisposed to do anything, or to do as much as I thought he ought to do, to alleviate their sufferings. I remonstrated with him as well as I could, and he used that language which I reported to the department with reference to it, the language stated in that report.

By the COURT:

Q. What particular language do you allude to?

A. When I spoke of the great mortality existing among the prisoners, and pointed out to him that the sickly season was coming on and that it must necessarily increase unless something was done for their relief—the swamp, for instance, drained, proper food furnished them, and in better quantity, and other sanitary suggestions which I made to him—he replied to me that he thought it was better to let half of them die than to take care of the men. I would like to state to the court that before he used this language to me, my assistant, who was with me, Major Hall, had reported to me that he had used similar language to him, made use of similar expressions. I mention this to show the court that I am not mistaken; that my recollection is clear. My assistant, Major Hall, had reported to me officially that General Winder had used this language in conversation with him about the prisoners. I told him I thought it incredible; that he must be mistaken. He told me no; that he had not only said it once, but twice, and, as I have stated, he subsequently made use of this expression to me.

By the JUDGE ADVOCATE:

I spoke to Captain R. B. Winder relative to the affairs of his department, and examined his books. (To the court.) He was quartermaster. I looked into his means of transportation; saw what he was doing in the way of erecting a bakehouse or furnishing facilities to Captain Wirz to do so. I talked with him officially about the affairs of his department, and he made known his wants to me, the difficulties under which he labored, and showed me the efforts which he had made to procure transportation and other supplies; he showed me his letter-book with the requisitions in it. He was not the son of General Winder—I believe his cousin. W. S. Winder is the general's son.

Q. In your report you also speak of a great many things which might have been done and were not done, and censured General Winder for that reason. Will you state what it was in the power of General Winder at that time to do, to alleviate the sufferings of the prison?

A. Shortly after my arrival at Andersonville I rode round the stockade and examined the swamp formed by the stream which flowed through the sinks. It was very offensive, and I requested General Winder to have an examination made, with a view to draining it. At my suggestion, he detailed Colonel Harpie, I think, a civil engineer by profession, and directed him to make the examination and report. He did so, with a plat showing a stream a few hundred yards off on lower ground by which the place might have been easily drained. That would have materially improved the condition of the prisoners as to health. I think more wood might have been furnished. I could have done it with the same transportation, and if nothing else could have been done I would have turned the prisoners out, with troops to guard them, and made them bring it in on their shoulders; and I should have removed the cook-house a great deal earlier

than it was done, from the stream on which it stood, and placed it where it subsequently was removed and where they were about removing it then, on another stream in the vicinity that did not flow through the stockade. I think the commissary might have been compelled to purchase some green corn. That might have been had in limited quantities, I think, from consultation with the officers there. I saw plenty of it, and cabbages in limited quantities might have been had. There was no way of constructing rude shelters; I don't think it could have been done. There was not room to construct them. They had a plan and were trying to get lumber to put up barracks, but the difficulties they labored under were so great they could not get it. In the crowded condition of the place I don't think there was room for them to put up much shelter. I made an estimate in my report that, exclusive of the swamp and streets, &c., there was left about six square feet to a man, I think. That estimate was based upon a sketch furnished me by the engineer corps at my request. I calculated the area they laid down, and divided it by the number of prisoners. I mean six square feet, not six feet square. That was the calculation I made. The report itself will show if it is correct; it gives the area and the number of prisoners. I may be mistaken in my calculation, but I think not. (To the court.) Six feet long by one foot inside, excluding the ground that ought not properly to have been occupied, though they did necessarily occupy some of the swampy ground. I think he (General Winder) might have compelled the medical officers who were attending the stockade to reside at the post; they did not do so.

By the COURT:

I think that my report states that there were fifteen or eighteen medical officers attending on the stockade, exclusive of those in the hospital. There was one suggestion which I made to the doctor which he readily carried out. It was to the effect that inasmuch as they were so crowded inside the stockade, that a great many men who were sick there could not receive medical attention, it would be an act of humanity to take them out of the stockade and lay them in the hospital under the trees, if they could do no better; and acting on my suggestion, I think some 900 prisoners were moved out and placed where they could have some pure air and not be so much crowded.

By the JUDGE ADVOCATE:

I also urged on the department the removal of General Winder as the radical cause of many of the difficulties there. I believe that with another head of the establishment, a good deal might have been done. He had not the inclination to exert himself. I also recommended the removal of the assistant commissary. I did not see him myself, but from the representation, made to me of his physical condition and an examination of such books and papers as I could get hold of in his department, I was satisfied of his inefficiency, want of experience, and physical inability for his position. (To the court.) I think his name was Armstrong. He was absent, sick, at the time I was there. I also recommended additional transportation to be sent to them and authority to impress saw-mills for the purpose of constructing those barracks. I don't recollect all my recommendations, but the report shows for itself. Facts have come to my knowledge in relation to Captain Wirz of which I had no suspicion at the time I recommended him as an efficient officer. He seemed to me to be energetic and industrious and attended to his duties, and I neither saw nor heard anything to indicate cruel treatment of the prisoners on his part, and I made some inquiries about it. I will explain to the court. I have been a prisoner myself, and I know the unwillingness of prisoners to make complaints in the presence of those who have power over them, and for that reason, I took the men aside and questioned them so that Wirz could not hear me as to any complaints they had to make, and none of them made any complaints against him. The complaints were mostly of insufficient food, of want of shelter, and want of

clothing; no complaints were made about him to me. I cannot speak positively as to my recollection of paragraph 4 of the rules submitted by Captain Wirz which I did not approve. My impression now is, that it had reference to punishing men who attempted to escape. I remember having a conversation with General Winder on this subject and calling his attention to the fact that it was the duty of a soldier to his country to escape if he could, and that it was his duty to keep him, to prevent his escape, but not to punish him for doing his duty, and he concurred in that. I think that was the paragraph referred to. I think that General Winder was not promoted to the supreme command of military prisons within two and a half months from the time I made my report. He was made commissary general of prisons after I made my report. Whether you call it promotion or not, I don't know. It gave him control over a larger number of prisoners, but removed him from immediate command of them. I was away for about two and a half months. I went to the western army, General Hood's army, and travelled through the southwestern States I returned to Richmond, I think, in the latter part of October. I understood then that a commissary general of prisoners was to be appointed, and that General Gardner was the officer selected. He was then commanding the city of Richmond. I met him and spoke to him about the matter and he said, yes, it was so. He did not want the place and wanted me to accept it. I declined it; I did not want it myself. I went to southwestern Virginia on other duty, and shortly after arriving there I saw an order published appointing General Gardner, which was followed a few days after by another order appointing General Winder, constituting him commissary general of prisoners. On my return to Richmond in October, I spoke to Colonel Chilton, chief of the bureau, with reference to my report and he told me that it had not been acted on, that it was still on the secretary's desk. I returned again to Richmond the first week in February and found from the same source that it had not then been acted upon. The former secretary of war had been relieved, and General Breckinridge appointed secretary. At my instance Colonel Chilton urged the department to take the matter up, for the reason that General Winder had rather denied the correctness of some statements that I had made, and I made a counter report, furnishing evidence of the accuracy of my report I went myself to Judge Campbell and asked him to take it up, and he promised that he would do it. I do not believe it was ever taken up; that is to say, I do not think it ever was decided. Judge Campbell might have been considering it at the time of the evacuation. I have no evidence of its having gone to the President; on the contrary I have reason to think that it did not. I don't pretend to say that I think the President did not know that there was a prison at Andersonville and the condition in which it was. I speak only of my individual report and the accompanying papers.

The stream which flows through the stockade is formed by two smaller streams which meet some hundred yards, as well as I remember, before entering the stockade. The banks of that stream are hilly, and there were troops, the Georgia reserves, camped on it, and the washings from the camps came down into the stream and flowed through the stockade. I pointed that out to General Winder as wrong, and before I left there he had moved one regiment and the other was under orders to move. I made no recommendation with reference to it. The men themselves complained of the stench arising from the vicinity of the stockade. I should think that after General Winder had been made commissary general of prisoners, he reported to the war department through the adjutant general. I suppose he was appointed by the secretary of war. The order was dated war department and was signed by the adjutant general.

By the COURT:

It was signed by the adjutant general by order of the secretary of war, I think. I don't recollect now distinctly whether the order was dated war de-

partment or adjutant general's office, but I think the war department. I remember the preamble was "Brigadier General John H. Winder is constituted commissary general of prisoners." It did not say by the direction of the president or by the direction of anybody.

Cross-examined by COUNSEL:

I was ordered by the war department to proceed to Andersonville and make an inspection of the post and prison at that place. The adjutant general of the army ordered me there by orders of the war department. General Cooper was adjutant general and Mr. James A. Seddon was secretary of war. I was ordered to go there on the 26th July, 1864. I think I left for there on the 27th. I think the order was dated the 26th. I arrived there about the 29th, either the 29th, the 30th, or the 31st of July. There was some little delay on the road, and I do not remember the exact time I got there. My report was dated the 5th of August.

(The report was referred to and found to bear date July 5, 1864.)

That is a mistake. It is indorsed August 5, "1864." I left Richmond on the 27th of July. The report is not in my handwriting; it is in the handwriting of my assistant, Major Hall. He made out the report from my notes and a rough copy that I made. He did it in my presence. My rough report was abbreviated in many respects. Not much of it was filled up by my assistant. This copy is in fact my own report from the original, and the mistake in the date is a clerical one. When I arrived at Andersonville I first consulted with General Winder, the commandant of the post and prison. I cannot say how long he had been in command—several months, I know. His whole duty as commandant of the post, in regard to the prisoners, was to keep them safe, to have them taken care of properly, protect them, defend them, prevent them being recaptured. He commanded all the troops there; the commissary and all the officers were under his control—all his staff officers and the prison-keeper. I don't know what authority he may have delegated to those officers. Any orders which they may have issued would be made by his direction, and he would be responsible for them. I inspected the stockade the evening of the day I arrived there. I rode over towards some of the camps of the troops, and in doing so passed near the stockade on the outside. I ascended the platform with Captain Wirz and looked over in the stockade. I took a bird's eye view of it. I did not go inside until next morning. The evening I took the bird's-eye view of it it seemed to be very much crowded. I do not know that I can give the court a very accurate idea of that crowded condition. The prisoners were moving about constantly; in some places it was as crowded as this room is; other places would be bare. There seemed to be very little space in the stockade that was not occupied; except the swamp, I should not think there was a half, or one quarter, or one eighth of an acre. It was crowded to excess. That was after the stockade had been enlarged. I had a view of the stockade and also of its enlargement. At the time I was there, these sheds (pointing to the diagram) were not in it; they were getting the timber for that purpose. That is the southwest corner. I do not think those in the northeast corner were up. There was an outer line of picketing; it was used at sick-call. The sick passed through the gate from the inner stockade, and there were sentry boxes arranged along outside where the surgeons were. The stockade was made of hewn pine timber, five inches thick; I think there was one tier of posts sunk five feet in the ground, and a beam about two-thirds of the way up to keep them together. The beam was on the outside of the stockade, at the place they used to go at sick-call, so that the men could come from the inner stockade to where the surgeons were, without getting out of the enclosure. That was when I first saw it, I think. I went inside of the stockade and made my inspection the next day. As well as I now remember, there was a little sort of shanty there for a sutler's store; I cannot

describe it; it was a slight thing, and there were little stalls which some of the men had, where they were peddling pies. There were a great many of those stalls; it was so crowded that you could not see much without going over every foot of it. They did not have many stores in those places; they consisted of simply pies. I think the men made them themselves and retailed them to their comrades. They were made of unbolted corn-meal. There was no flour, I believe, issued in the stockade. I suppose I was inside the stockade several hours. There was no hospital building inside there that I remember. I do not know that there ever was any in the stockade; I did not make inquiries as to that fact. The hospital was detached at the time I was there, and I made no inquiry about there having been a hospital there. I made inquiries about medicines, and if medical attendance was furnished inside. I did not see any surgeons inside. There was no place for them to be inside that I saw. They did not go inside at all to see the patients that I know of. I believe they were not required to go inside to see patients. I understood from the senior medical officer that they went to those little sentry-boxes that I spoke of, at sick-call, and the sick were brought out to them, and that small quantities of medicine were furnished to the sergeants of squads to be used in case of emergency inside the stockade. I have seen one of those sick-calls. The sick seemed to be crowding there by thousands. They did not all seem to be requiring medicine. A great many were carrying their sick comrades out in blankets. I can only speak of the supply of medicine from the information I derived from the medical director. He told me the supply was insufficient, and that many articles they could not get at all. I cannot judge whether there were surgeons enough there to attend to the great number of sick if they had had the medicines. I should think, however, there were not. I knew the number of surgeons there, but it was impossible to find out the number of sick. They could not tell me. They said there were many men sick who were never brought out by their comrades; many would die whom the doctors would not have on their lists. I cannot say whose fault it was that the physicians did not go inside and attend to them, or why they did not do it. I received no information on that point. I did not make any inquiries why they did not go inside and attend to them. I reported the fact that they did not in Richmond. I had no authority to order them in. It occurred to me that it was negligence and that it ought not to be allowed, and therefore reported it. I asked, while I was there, if any physicians went inside, and was told no, that they sent small quantities of medicines to the sergeants of squads. An order for the surgeons to go inside would properly have come, I should think, from the senior surgeon. I suppose their not going in was owing to the negligence of the senior surgeon in not giving the order. There were no facilities inside there for them to have prescribed if they would have gone in. They could have gone in and found out if there were any sick or dead there; it was their duty to do it. I ought to state that the reason why the sick were not all moved out was that they had not the accomodations for them. The surgeon knew that there were a vast number there who ought to be in a hospital, but he had no hospital; the hospital was crowded. I never knew or heard of any of them refusing to go in when they had been directed to do so. I stated in my report that they were mostly contract surgeons, and that they were inefficient. I based that report on the statements of the senior surgeon. He informed me that they were rather indifferent to their duties. I cannot state whether they understood the nature and mode of treatment of the diseases found there. I made my report on the statement of the surgeon-in-chief as to their inefficiency; that was not part of the information given me. I do not know anything on that point. I recommended that they should be removed and regular surgeons sent there, because I believed that they would feel more interest in their duties than men who had only accepted those places to keep out of the ranks of the Georgia reserves. I think Surgeon Sheppard belonged

to the provisional army. I stated that he had charge of the small-pox hospital. I did not visit it. I obtained my information about it from the official records of the hospital department. I had no personal knowledge of how he performed his duty. It was reported to me that he was a very old and feeble man, and the surgeon-in-chief considered him inefficient. The fact that more than half of the cases terminated fatally would go to prove it. The fatal termination of the cases resulted more from his age and inefficiency than from neglect, I should think. I did not discover at the hospital any wilful maltreatment or neglect to the prisoners. On the contrary, I noticed in the hospital a great deal of order and system and a desire to do all they could for them, considering their limited means; it was well policed and every attention seemed to be paid to it. I did not state that there was any neglect in the hospital that I recollect. I saw a great lack of attention to the prisoners in the stockade—in the stockade, not in the hospital. The surgeon who attended to the stockade were a different set of surgeons. I cannot say from recollection how many surgeons were assigned to the duty of attending to those who came out of the stockade at these little medical posts; I think my report speaks of the number 15 or 18. Those whom I mentioned in my report had nothing whatever to do with the hospital; that was another branch entirely. These were generally regular surgeons; my report did not refer at all to the regular surgeons of the hospital; I think you have misunderstood me. I stated that a great many of these prisoners died inside the stockade who were not brought out to the surgeons by their comrades. I do not think I stated that those who were brought out were neglected. I stated that there was a great want of care generally over them; I cannot judge whether that want of care came from any wilfulness on the part of the surgeons, or whether it was from their inefficiency and from their not knowing what to do. I noticed the general conduct of Captain Wirz while I was there. (Witness pointed out on the diagram where his headquarters were, near the fortification.) That was a field-work. His tent, I think, was somewhere in that vacinity—up on the hill. I do not know whether or not he was there during the nights; I do not know whether he staid at his office or his house. I reported that some of the officers ought to be required to remain there during the night; this referred to those assistant surgeons who practiced at the stockade; I referred to them alone, not to others. I cannot say that I had the opportunity daily, while I was there, of observing the conduct of Captain Wirz with regard to the prisoners; I had frequently; I have been at his tent; I do not remember seeing any orders of his; there were printed regulations which he showed me in relation to the care and custody of the prisoners; I read them or heard them read; there was one which I objected to; I have stated that my impression was, it had reference to punishing men for attempting to escape; I cannot recollect any others that I objected to; I think it quite probable that I mentioned to him that I did not like this—that I thought it was wrong; I considered these orders as General Winder's, although Captain Wirz's name was to them. They purported to be issued by his (General Winder's) directions, and under his instructions; I considered Captain Wirz merely the executive officer of General Winder's, in his particular branch of the business. I think that General Winder's bitter feelings towards these men was such as to render him indifferent as to taking any measure for their relief. I should think the sufferings of the prisoners resulted more from his neglect to do what he might have done than from acts of commission. I talked with him frequently; I saw him frequently—two or three times each day; I think I had a good opportunity for discovering his state of mind and his motives. I cannot say that I discovered on his part any desire to inflict cruelties, but I saw, or I thought I saw, an intention on his part not to exert himself to prevent their suffering, or to ameliorate their condition, and I think that that intention not to exert himself came from a hardness of feeling towards them. I do not think I discovered in his orders or

in his directions to his staff officers or those under him, any disposition on his part to impress upon them that they must be harsh and cruel. I did not learn from any of his subordinates that he required that of them, nothing of the kind whatever. I did not discover in any of his subordinates the same state of feeling which I discovered in him; I did not talk with the commissary—he was absent sick; I talked with the quartermaster; Captain R B. Winder was quartermaster; he received his orders directly from General Winder; I do not know what latitude General Winder allowed his staff officers in the administration of their duties. As far as I could discover I did not discover any unusual latitude allowed them. I have no reason to believe that they had any unusual latitude. I visited the quartermaster's establishment; I visited the workshops; they were west of the railroad. I cannot say how many buildings or tents were inside of the quartermaster's establishment. There was an old shed where they had the carpenter's shop, a small place for a blacksmith's shop, and a small storehouse. The old shed for the carpenter's shop was not larger than from this partition to the door (about fifteen feet.) There were three or four men at work there. I do not recollect exactly what they were doing; I saw a small quantity of lumber there; as far as I recollect I do not think there were more than eight or ten pieces of plank there; I went all around; I am not prepared to say that that was all there was there: I speak from my present recollection. Captain Winder told me about the great difficulty he experienced in getting lumber, and showed me by the requisitions in his letter-book the efforts he had made to get this lumber. I cannot say how many letters or requisitions he showed me on that subject. I read his whole letter-book in reference to the entire business. I cannot state that I did in reference to this particular subject. He had apparently been making efforts to obtain every kind of article that was needed from the time he came there first until I came. Some of his letters, I think, were addressed to Major Dillard, chief quartermaster at Columbus, Georgia; I am pretty certain that his requisitions and letters requesting sheet-iron for bake-pans were to Major Dillard; I think none had been furnished; on the contrary, he has procured tin as a substitute, and he complained to me of the constant burning of the bread on that account. With regard to the sheet-iron, I recollect seeing the quartermaster's reply, that they were utterly unable to furnish it. I saw no tin there except what had been worked up into bake-pans; I discovered a large number of bake-pans about three feet square; I cannot tell you how many hundreds of them—I have no idea; they were all more or less used; I saw them at the bakehouse on the brook; I saw the building which contained the quartermaster's stores; it was rather a small affair, I think; it was not 150 feet long; I do not think it was larger than this room; it was up towards the depot; I think it was the one generally spoken of as the quartermaster's store; I have not heard the testimony given here in reference to the quartermaster's storehouse; I heard the testimony in reference to the commissary's store; I do not think the quartermaster's storehouse was one-third as large as the commissary's. I do not now recollect what was in the quartermaster's storehouse; I cannot say whether there was much of anything in it. I examined every public building about the place; I have a very imperfect recollection of the quartermaster's store, and cannot say what my impression about it is; if there had been a large supply there I would recollect it, but like most of the storehouses that I inspected in the country, there was very little in it; I do not recollect what that little consisted of; I know there were no tents; I inquired particularly about them; his own room and a small stable were connected with the quartermaster's department. I do not recollect whether there was any corral connected with it; I might not have remembered it if there had been one with mules and horses in it; there must have been something of the sort about there, but I cannot locate it now or recollect where it was. I inspected the commissary building; it consisted of one long building; I think there was no other place where they kept commissary

supplies; it was a long building alongside of the railroad; one end of it was devoted to offices—there were two offices, I think; I suppose it was considerably over a hundred feet long, and about twenty-five feet wide; I found very little in that building besides worm-eaten peas, which I condemned as unfit for use; they were not what we call "beans;" they were black peas; I have never seen them here; there was very little else—a few boxes of bacon, a little meal, and, I think, part of a tierce of rice; I do not recollect how many boxes of bacon there were; I took my data of the contents of that store from the commissary's books; I discovered from the books that often the supplies were short—that he had not made his requisitions in sufficient time to keep up his supplies; there were no peas fit for use; frequently, I think, the rice was out; I do not think he had any potatoes; I do not think there were any in that country at that time; I think the meal was not short at that time; they had been in the habit of sending one or two car loads at a time as it was required, in consequence of not having a storehouse to put it in; this storehouse, as I understood, had been but recently erected.

To the COURT:

The meal was sent partly from Macon and partly from Columbus.

The commissary had not the right to order the supplies for his own department. I think that the officers at the government depots controlled that matter, the commissary department. I cannot remember the names of those officers. I have said that the commissary was sick. He had left the day before I arrived there. He had been sick for some time, and had gone to Macon. He had not been able for the time that he was sick to properly attend to his duties, I should think, from the representations made to me. He was represented to me as a man in very delicate health. I doubted whether he was ever fit for his position. It was a very large command for one commissary to supply—four or five regiments and 33,000 prisoners. I do not think that he had the physical ability to go about as it was necessary he should do to get the necessary supplies. He was represented to me as being in a decline, consumptive. I do not know how many teams there were in the commissary department. I was not informed. A large part of his books and papers were locked up and he had the key, so that I could not get at them. His letter-book and some few others were out. I discovered what number of teams the quartermaster had at his command. I knew at the time, although I have now no recollection of it. I cannot form the slightest idea now. He had services to perform with those teams for the whole camp, I think. I do not think they were adequate to what he had to do with them; I think not. I asked that more teams might be assigned to him. I reported them inadequate. It struck me that there was a great deficiency. I did not have the means of ascertaining what teams were connected with the stockade—with the prison proper. My present impression is that he would furnish them from day to day as they were required. I do not think they were permanently assigned to that duty. I saw some of the teams myself. Some of the wagons I saw, I think, were army wagons—I cannot say now what proportion. I cannot say whether many of them were mere country wagons. I visited the bake-house; there was only one. I inspected it carefully. I found it in good police, clean. The bread made there was as good as could be made, I think, with the unbolted meal that was furnished them. They were cooking meat there then. The new cook-house had not gone into operation. They were setting the ovens in it. There were only two cook-houses when I was there—I cannot say what was there afterwards. I cannot say how many men were at work there at that time. I asked the men to show me the bread. I went in with Captain Wirz. He went with me to show me these places. I did not converse with them at any time when Captain Wirz was not with me. I discovered nothing filthy around the bake-house or from there to the brook, except the

drippings from the baking, and that ran into the brook. I gave no orders in regard to that. They were constructing a new cook-house. It was nearly completed, and the cooking was to be transferred to it as soon as it was completed. They were intending to bake there until they could make other arrangements. It would have made the water more or less unclean to have had this establishment on the stream. I think the whole of the bake-house should have been removed. I reported the facts which I have stated and called attention to the fact that it fouled the water. I do not know who established it there. I do not know how long it had been there. The other bakery did not in any way affect the health of the residents in the stockade; it was on another slope of a hill and the washings from that ran off from the stockade. They were digging a well at the new bake-house. I saw wells in the stockade. I cannot say how many. I asked the prisoners about the water they had to drink. I asked first, pointing to the stream, if that was the water they had to drink. They said no, that they had wells. I asked them where they were, and they showed me wells here and there. I got them to dip out some of the water for me, which I drank and found it good. It was warm but good. According to their statement there seemed to be no scarcity of drinking water. The washing water was filthy from the cook-house and the bake-house. It was sufficient in quantity but dirty. I think from my inspection there, they could, by taking proper care, have had all the water they required by digging wells. I judge so from the fact that they made no complaint about the water, although I questioned them about it. They said they had plenty of wells which they had dug themselves. They seemed to be partly covered over, leaving a little hole. There was nothing to protect them except that the men had covered them partially over on top, as well as I recollect. I cannot say that the men suffered from their own carelessness if they suffered for drinking water. I do not know what materials they had for digging wells. There was no complaint. There was none made to me of a want of water; on the contrary they said they had good water. I asked them if they had good water and they said yes. A quantity of wells were shown to me. I got them to dip some water up and let me taste it myself.

Q. Did you discover any information in reference to the prisoners burrowing out?

The JUDGE ADVOCATE. We will admit that they did make every attempt possible to escape.

Mr. BAKER. Will you admit it to the fullest extent?

The JUDGE ADVOCATE. Yes, sir, we will admit it to any extent.

Mr. BAKER. Then I will not press the witness on that point.

By the COURT:

I regarded General Winder as commander of the post and prison. The medical officers were under the orders of the chief surgeon and of General Winder. They were under the immediate orders of the chief surgeon. I should not think that Captain Wirz was responsible for the scarcity of the rations in the commissary department. I can state positively he was not. He had nothing to do with it and no control over it. General Winder was in command, with Captain Armstrong reporting directly to him. General Winder was responsible for the police regulations of the stockade. I do not know who drew them up. They were signed by Captain Wirz, as commandant of the prison.

Q. So far as any verbal or written instructions from General Winder were concerned, was there anything in them that permitted Captain Wirz to shoot a man with his own hand without trial or examination?

A. It depends upon what he shot him for. It depends upon circumstances, as a man might be compelled to shoot in self-defence.

I do not think the power of life or death was given to him by any instructions

by General Winder. I have no reason to think that there was anything in those instructions to allow him to go to that extreme. I do not know whether there was anything in those instructions permitting him to establish a dead-line, with orders unqualified to shoot anybody who might cross it. I suppose that the dead-line was established, certainly with the knowledge and consent, if not by the direction of General Winder. The instructions touching it, I suppose, came from General Winder. I do not know. I know that he was responsible for them. The orders were signed by Captain Wirz. The regulation in reference to the dead-line was printed. I do not recollect its language. I do not recollect whether it had qualifications in reference to who might cross the dead-line. I was in hopes that it was with those papers. I forwarded it with those papers. I do not recollect the language of that regulation. I think it was to the effect that any man crossing the line would be shot, without any qualification at all. I do not know with what materials the men dug their wells, nor whether they had obtained permission to dig them and had been furnished materials. Captain Wirz was present when they showed them to me and he seemed cognizant of the fact. They did not complain of any want of water. I supposed that every little squad had dug its own well. I do not know whether they allowed others outside of their squad to take water from their well. I do not know whether they forbade them or not. As I stated, I asked the man if they had anything to complain of and they made no complaint in reference to the water; Captain Wirz not being present. As I stated, I took particular pains to question the men; Captain Wirz not being present. I understood when they said they had plenty of water that there was water enough for drinking purposes for the whole encampment. I understood that for drinking purposes there was enough for all—for the whole 33,000. I spoke to the men at random, here and there, throughout the stockade, in order to get general information from them. I went to the bake-house and saw the bread baked of unbolted meal. It was not ground with the cobs. It was unbolted. I tasted the bread. I do not think it was sour. I think the bread would be good for men in health. I was at the bake-house twice. I tasted the meat which they were cooking. It was like the meat everywhere in the country, very rusty. I cannot say how many wells I saw in my inspection of the stockade. They were numerous. As I said before, none of those prisoners made any complaint of want of water, and when I had spoken to them about the water, and they said they had very good water, my attention was not attracted any further to that. I noticed myself the water in the stream and observed that it was unfit for washing purposes. The wells were scattered around the stockade, both on the north and south side. I know that spring (referring to one on the diagram) was inside the dead-line. I am pretty certain there was no spring between the dead-line and the picketing. It was on the other side of the dead-line in the portion occupied by the prisoners. I heard nothing of any privations imposed by Captain Wirz's order in consequence of men sometimes escaping, when he would punish the men by hundreds and deprive them of provisions for two or three days in the week. I heard no allusion to anything of the sort. The ration was the same as was issued throughout the confederate service to troops in the field—the same exactly as to troops engaged in active service. I do not know whether the men in the stockades actually received that allowance. I do not pretend to say they did; I endeavored to ascertain, but I could not get the commissary's abstract of issues. I asked the men what they got and they showed me their ration. It looked small to them, but it seemed to me to be the amount. In quality it was the same as I had been in the habit of eating myself. They were in the habit of issuing unbolted meal even at the hospital. It was impossible to get sieves to bolt the meal at the hospital. Even at Macon, Columbus, and elsewhere, it was so. Some few of the hospitals had obtained small hand sieves to bolt their meal, but

the generality of them had unbolted meal. There were no sieves in that part of the country.

By the JUDGE ADVOCATE:

I have given it as my opinion that Captain Wirz was not responsible for the rations issued to the prisoners. I am positive of that; I do not know whether he exercised any control over the rations; I do not know what authority he may have had from General Winder on the subject.

Q. Then how can you say so positively that he had no control?

A. I misunderstood the question; I supposed that it was in reference to the amount of the ration ordered to be issued.

Q. You stated to the counsel that Captain Wirz was not responsible for the ration?

A. I meant by that that he was not responsible for establishing the ration, $\frac{1}{3}$ pound of bacon and $1\frac{1}{4}$ pound of meal. He was responsible, I should say, for the amount which the commanding officer ordered the commissary to issue and which the commissary actually issued. He was responsible that that amount was turned over to the prisoners. I do not know whether General Winder authorized him to stop the rations under certain circumstances.

By COUNSEL:

I think I recollect Captain Wirz saying to me that he had tried to get the commissary to issue to them bolted meal or sifted meal. He spoke of his inability to get the bolted meal; I think that both he and the surgeon did; I cannot say that he said anything to the effect that it caused patients to die more frequently of diarrhœa. The fact was brought to my notice, but I am under the impression it was done by the surgeon; I remember that the fact as to the unsifted meal was particularly called to my attention. Everywhere that I inspected the same complaint was made. Captain Wirz certainly seemed to me, while I was there, to desire that the prisoners should be treated better and have more accommodation. He left that impression on my mind. If Captain Wirz was responsible at all I expect his responsibility would commence at the commissary storehouse. I should consider that he was responsible that the commissary issued the amount which the return called for. It was then in his charge and remained so until it was put in the hands of the prisoners; I do not know anything about his complaint of those who worked at the bakery not sending in to the prisoners the amount which they ought to send. I have no recollection of his making such a complaint.

By the COURT:

I do not think General Winder was in command of the post during the whole of 1864. I do not recollect the date at which he was relieved from command of the department of Henrico, as it is termed—the department of Richmond. I know it was in 1864; I do not know what month. The post commander always exercised command over the prison through his executive officer. I met General Winder on that visit; he was there all the time I was making an inspection; I found him there.

SEPTEMBER 9, 1865.

JOHN PASGUE, for the prosecution:

I am in the service of the United States as seaman in the navy. I was a prisoner at Andersonville from January, 1864, to the 8th of September, 1864. I was then in the navy; I was taken at Fort Sumter on the 8th of September, 1863. I know Captain Wirz.

THE CHAIN-GANG.

I saw the chain-gang while I was at Andersonville; I never was put in it myself. I have seen men chained with a 32-pound solid shot on one leg and a

68-pound shot attached right in the middle of the four men with chains to the other leg—chained to all of them. I cannot state exactly how they were fastened, because I have forgotten it. Their hands were not manacled; they had power to lift the balls up; as they walked they had to keep hold of both balls. I know that one man died in the chain-gang some time in July, 1864. They said he was kept there two hours after he was dead. I saw the man after he was brought out of the chain-gang, and I saw him when he was put in it. I did not see him taken out of the chain-gang, but I saw him after he was dead and taken to the hospital. I was in the stockade; I came to the hospital with a corpse, which I was taking to the dead-house. The man had been in the chain-gang seven or eight days, as far as I can tell; I got my information that he died in the chain-gang from my own eyes. I saw him when he was brought to the hospital, and I saw him in the chain-gang. I did not take notice whether he had marks on his person; I do not know any more about that man; when he was taken out the chain-gang was in the southwest part of the stockade, where the stocks and the chain gang were kept—outside the stockade. I should judge it was about thirty or forty yards from the southwest corner of the stockade, and over one hundred yards from the south gate. I should judge it was about eight or nine hundred yards from the hospital on the road from the south gate to the hospital—in the southwest part of the stockade and in plain sight of a person passing from one gate to the other. The guards used to stand there; I saw the man in passing from the stockade to the dead-house with the corpse. He died the next day or the second day after; I cannot tell which; I do not know whether he died in the chains or not, but I was told he did. A man who was in the hospital at the time when I carried the corpse to the dead-house told me so. The man who died in the chain-gang was carried to the hospital, and from the hospital he was taken to the dead-house, which was in front of what they call the south gate. That is all I know about the chain-gang. That man was one of the four I was describing. I was never in the chains there, nor in the stocks.

THE SUPPLY OF WOOD.

I have heard complaints made to Captain Wirz about wood. I have asked him myself whether I couldn't have some wood to-day. The answer I got from him was this: "No, you damned Yankee, you want wood and then you go about calling me a Dutch organ-grinder." I am not a German, but we learned that Captain Wirz was a Swede.

SHOOTING OF PRISONERS BY THE GUARDS.

I have heard the rebel guard speak with regard to receiving furloughs; they told me that every man who shot a Union prisoner inside the stockade was to get thirty days' furlough, and three months' extra wages. It was a rebel soldier who told me that. He was on guard at the time in the hospital; that was in August, 1864.

TREATMENT OF THE DEAD.

There was a man who died in the same place where I kept myself, and I asked the sergeant who had command of the squad if I could get a coffin to bury him in by paying for it. This sergeant, Bush, said that Captain Wirz would not allow it. He was a rebel sergeant.

Cross-examined by COUNSEL:

I do not know anything about it more than that.

THE CHAIN-GANG.

I cannot tell exactly what part of July it was that the man died in the chain-gang. I cannot tell whether it was the first, the middle, or the latter part. We could not keep the account of days there. I have no idea of the time. I know

it was some time in July, because in June there were twenty-three rainy days that I counted, and I know that it was shortly after that that this man died in the chain-gang. I cannot tell exactly how many days I saw him in the chain-gang. I know I saw him three days. It was outside of the stockade one month, in the hospital. It was when I was in the stockade that I saw the man in the chain-gang. I saw the men in the chain-gang three different days. I have described where the chain-gang was. It was pretty near the stocks. It was not close to Captain Wirz's headquarters; the captain's headquarters were a little to the right of the stockade—a little to the southwest. All I saw of those men in the chain-gang was when I was casually passing up to the dead-house. Sometimes four of us would lay the corpse down and watch the men in the chain-gang, and watch them for five or six minutes at a time, and sometimes for ten minutes. I did not see them fastened in the chain-gang; I only saw them when they were in it. The chain was fixed with a shackle bolted around the right leg. There was a thirty-two-pounder on that leg, with a piece of string to it, and the man lifting it up. The other sixty-eight pound ball I did not notice how it was fastened. There was a thirty-two pound ball around the leg of each. First, there was a shackle around the ankle and a chain from it to the thirty-two pound ball. The chain was about two feet long, so that the man could just take up the ball and hold it. When the men were not going along they would let the ball lie on the ground. There was another chain that led from the sixty-eight pound ball to the left leg. I did not take notice how it was fixed on the left leg. I have seen the shackle to the thirty-two pound ball, but not to the 68-pound. They carried that ball. When they were sitting or not walking that ball lay on the ground. The 68-pound ball would be attached to four men. It was attached to the men for punishment, and to keep them together.

THE SUPPLY OF WOOD.

I asked Captain Wirz for wood in June; I don't know in what part of the month. He did not use any violence towards me on that occasion, but he ordered the guard to disperse the crowd from around the gate. There were not many of us crushing around the gate. I don't know how Captain Wirz came to say that we called him a damned organ-grinder. I suppose they did use to call him such names once and a while; I did not hear them.

SEPTEMBER 9, 1865.

JAMES E. MARSHALL, for the prosecution:

I have been in the military service of the United States, in the forty-second New York. I was a prisoner at Andersonville from the latter end of February, 1864, up to September, 1864. I often saw Captain Wirz while I was there. I suppose I know him.

SHOOTING OF PRISONERS BY THE GUARDS.

I know of prisoners being shot by the guards. The first instance I saw was at the northeast corner against the hospital. It was at the time the dead-line was being marked out, but it was not then finished. I saw a man shot there. It was in the early part of April. I saw the man shot by the sentry. The mark of the dead-line was there, but the rail was not nailed on the top. The sentry did not say anything at the time. The man died afterwards in the hospital. He was a sick man in the hospital then. He was not a German. I recollect an instance where a German was killed. He passed me, and when he had got about five yards from me he was shot by the sentry. That was at the northeast part of the stockade, in the month of May, 1864, I believe. The man had laid his left hand on the dead-line, and stooped on his knee to pick up a

piece of mouldy bread that was within the dead-line, when the guard shot him. The ball passed through his back. It killed him dead. The sentry said something about a furlough. When the man fell he was not outside of the dead-line, and some of us made the remark in the camp that that guard would get a furlough for shooting the man. The sentry said he would damned soon have another one; that he would shoot some more. Captain Wirz came up and we had to go away. When Captain Wirz heard the firing of the gun he would often come up. He told the sentry to make the prisoners go away from there; they had gathered around the man after he was shot. The sentry was relieved.

STOPPAGE OF RATIONS.

When Captain Wirz first came to take charge of the camp he was forming the men into detachments, and they did not fall into ranks properly according to his wishes. He stopped the rations that day. They had not had rations since the day previous. That was in the early part of April, when Captain Wirz first came to the camp; the first time I saw him.

MEN BITTEN BY THE DOGS.

I saw the dogs at Andersonville. They were kept for hunting men who escaped from the prison. I know of their hunting men. I saw one man who was torn. His leg was torn. He afterwards died in the hospital. That was in May, 1864. I cannot state the day of the month. It was sometime in the latter part of May. I know that the man was bitten by the dogs, because I and several others looked at his leg. He was taken to the hospital. I afterwards saw the man, but he was dead when I saw him. He died from the wounds. He died some twenty days after he was bitten. He died some time in the early part of June, in the hospital.

A PRISONER SHOT BY WIRZ'S ORDER.

I have not told all the instances within my knowledge of men being killed at the dead-line. There was man, a cripple, shot at the north side of the south gate. It was the "Chickamauga" case. The man was supposed by the people in the camp to be crazy. I have no doubt from his ways that he was crazy. He went inside the dead-line and said something to the sentry; I cannot say what it was. The sentry told him to go out. He said he would not. The sentry said he would shoot him. "Well," said he, "I would rather die than live in this place." I and another man took hold of him and pulled him away. The sentry said, "I don't want to shoot him. I would not like to shoot a cripple." Captain Wirz and two or three others came up to the sentry outside; he spoke to him first, there, and then came inside the gate and inside the dead-line. He drew his revolver and called him several names, and told him that if he wanted to die. come to him and he would shoot him; he would blow his brains out. He turned to the sentry and told him that if he did not shoot him, or any other man, if he came to that dead-line again, he would try him by court-martial for his life. Captain Wirz went out. The man went up and laid his crutch against the dead-line and the sentry shot him dead. I heard Captain Wirz say something about a furlough. The man said, "If I get a furlough it won't be for shooting a cripple; some around this stockade would have shot him." That was before he shot him. I heard Captain Wirz give the order to shoot, telling the guard that if he did not shoot him he would court-martial him for his life, or any other man. I next saw Captain Wirz come on the sentry-box, a very few minutes after the shot was fired—immediately afterwards. I could not tell what was then said. They were talking something in the box; I could not hear it. He told the sentry to make us go away from the dead-line. "Chickamauga" was killed. His lower jaw was blown right off. The ball came out somewhere on the left side, having struck on the right side of the jaw.

SHOOTING OF PRISONERS BY THE GUARDS.

Cross-examined by COUNSEL:

All I know of anybody getting a furlough for shooting a prisoner is by hearsay. I was not outside the stockade to see them go home on furlough. It was a remark among the prisoners inside—a pretty general remark—and among the sentries outside. Whenever the prisoners saw a man shot, they would say of the guard, "He gets a furlough." I think it originated from men getting a furlough at the commencement. I know by the sentries telling me. I was a prisoner, and had not permission to leave. I went outside sometimes, but with a guard.

A PRISONER SHOT BY WIRZ'S ORDER.

I cannot say how Chickamauga came to go down there. He was not clubbed nor beaten to my knowledge. He was not one of the "raiders." He was a cripple, and had to go with a crutch. To my knowledge he was not one of that gang. The common report was that he went outside very often, and was very free among the confederate men. It was reported that he betrayed us many times in our attempts to dig out.

SEPTEMBER 9, 1865.

WILLIAM M. PEEBLES, for the prosecution:

I am from southwestern Georgia. I have been at Andersonville, Georgia. I was detailed as clerk, under Colonel Forno, who had command of the troops at Andersonville. I went there about the 20th of July, 1864. I remained nearly three months.

THE STOCKS.

I saw several men in the stocks. I did not learn their names. They were federal prisoners. I was passing around one day during a hard rain, and I saw a prisoner in the stocks. He seemed to be near drowning. I rode up and put an umbrella over him. I passed up to Captain Wirz's headquarters and told him that the prisoner was there and might drown. He remarked, "Let him drown," using an oath. His words, as well as I remember, were "Let the damned Yankee drown; I don't care." In a few minutes some one from his headquarters went down and released the prisoner—took him out from the stocks. It was during a very hard rain. The man's head was kind of erect, and it was raining down in his face. He looked as though he would drown. That was what caused me to make the report.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863 AND 1864.

My residence was about forty miles from Andersonville. The crops in that vicinity were very good in 1863.

By the COURT:

Q. What kind of crops?

A. The grain crop, principally.

Q. What kind of grain?

A. Corn; and also some wheat and some oats. Corn was the most generally raised.

By the JUDGE ADVOCATE:

We raised some vegetables about there. I don't know that they were raised in very large quantities. Every planter raised enough to supply himself, and some raised a surplus. The crop was not so good in 1864, though we had a very good crop down there in that year. We had not a large surplus. The crop in the northwestern part of the State was very good in 1864; it was also

good in 1863. There was railroad communication between our vicinity and the northwestern part of the State; we had a railroad running direct to that portion of the State.

SHOOTING OF PRISONERS BY THE GUARDS.

I know nothing about rebel soldiers shooting Union prisoners except from hearsay—nothing from my own knowledge.

By the COURT:

I heard it from some of the militia—the rebel soldiers.

Mr. BAKER objected to the witness stating what he heard.

By the COURT:

Q. State the time and circumstances under which you heard it from the rebel soldiers.

A. I heard it reported in camp that soldiers got furloughs. I know nothing of it except from hearsay.

By the ASSISTANT JUDGE ADVOCATE:

Q. Did you hear it reported in camp at the time men were shot?

A. Yes, sir.

Q. Did you hear this remark in the stockade, or at the rebel camp?

A. At the rebel camp.

Mr. BAKER objected to the witness stating the remark which he had heard, because it was not connected with Captain Wirz.

The Commission, after deliberation, sustained the objection.

THE STOCKS.

Cross-examined by COUNSEL:

I saw the men in the stocks in August, about the 20th or 21st. There was but one in the stocks at the time I mentioned, when it was raining. The stocks at that time were between Captain Wirz's headquarters and the stockade, near the corner of the stockade. They were there all the time I ever saw them. He could have drowned, because there were two boards put around his neck, cut out so as to fit the neck, his head was erect, and the rain was pouring on his face. I thought the rain coming on his face would drown him. I never knew or heard of a man drowning in that way. I never saw one in that condition. I never heard of a man's drowning by its raining on his mouth. I put the umbrella over him to protect him. It was but a few minutes after I put the umbrella over him when he was relieved. I don't know whether that man would have gone to release the man in the stocks without Captain Wirz's orders. He was an officer there. I had good reasons to believe that Captain Wirz ordered him immediately to be released. He may have done so. The remark that he made was a very common expression. I cannot state whether it implied any intention of his to keep the man there until he did drown. I do not know what his intentions were. I saw Captain Wirz that day at his headquarters. I am sure it was about the 20th of August. I think it was some time along there; I am not certain as to the day, but it was in that month. I had seen him passing around there before. I knew him when I saw him.

The reporter, at the suggestion of the assistant judge advocate, read from the previous cross-examination of the witness the following question and answer:

"Q. Had you not good reason to believe that Captain Wirz ordered him (the man in the stocks) immediately to be released?

"A. Yes, sir; he may have done so."

By the ASSISTANT JUDGE ADVOCATE:

Q. Are you satisfied with that answer? Is that what you intended to say?

A. He may have done so. I know nothing about the matter personally.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1863 AND 1864.

By COUNSEL:

Colonel Forno was commandant of the forces that guarded the prison. I was clerk under him. I went out with Colonel Furlow's battalion. I was a soldier under him, and acting as clerk. I remained in that position something near three months, commencing about the 20th of July. I arrived at Andersonville about the 20th of July. I was not in the regiment until I went to Andersonville. I went right into it at Andersonville. I was farming at home on my own farm before I went into the regiment. It consisted of some 500 acres. I made a tolerably good crop that year. It consisted of corn principally. I raised some peas (we call them cow peas in our county,) also ground peas; I also raised other vegetables—potatoes, cabbage, and beets. I do not know how many bushels of corn I raised, for I was not at home when it was gathered. I don't know how many bushels were gathered; it was not even measured. It was considered a very good crop for that country by all who saw it. I was not at home in the fall, the season for gathering it. I was detailed in the quartermasters' department after I left Andersonville, some time in the winter season, about the 1st of February, and I travelled all over that country buying produce, and I found a large surplus of grain throughout that whole country—corn and peas, principally corn. The crops were gathered in the month of October, I think. The crops were larger in 1863 than in 1864. The crops were not destroyed in our section of country in 1863. They were not destroyed, as far as I know. They were not damaged nor destroyed in 1864. They were not destroyed nor damaged in either of those years, to my knowledge.

By the ASSISTANT JUDGE ADVOCATE:

Q. In naming the different vegetables which you raised, you are interrupted by the question of counsel; state now all the different kinds.

A. Peas, Irish and sweet potatoes; almost all kinds of vegetables that would grow in that climate.

By the COURT:

I believe I have named the most of them: cabbages—collards grow better than cabbages in our country—beets, radishes, cucumbers, squashes, melons of all kinds, watermelons and muskmelons, tomatoes, potatoes of all kinds, thousands of okra. I have seen four or five acres of it. Almost every family raises the vegetables I have mentioned; I do it, and almost every family I know of.

SEPTEMBER 9, 1865.

W. W. CRANDALL, for the prosecution:

I have been in the military service of the United States, in the fourth regiment Iowa infantry. I arrived at Andersonville March 28, 1864.

MEN BITTEN BY THE DOGS.

I saw hounds used about there. They were not what I would call fox-hounds; they were rather heavier; I should think, but I am not well posted enough in dogology to tell you what kind of dogs they were. They were called hounds; There were two kinds, however. I saw there three different packs. One or two in each pack, I think, they were more of a bull-dog. They called them catch-dogs. I have seen the dogs there, and have seen men brought in by them. Some of the men were bitten considerably. I saw one man with the calves of his legs torn badly. He was a Union prisoner. I cannot now recollect his name. He belonged to the same detachment as I, but not to my 90. He was brought in there and a ball and chain was put upon each foot. He was

kept in that condition several weeks. He was kept there until I went to Captain Wirz and pleaded with him to take the balls off. He said to me that he could not do it. I then watched for the surgeons, and when one of them came in one morning to examine the sick I asked him to take the balls off. He went with me and examined the man. The man's leg had become badly swollen and very blue. It had a bluish putrified look. I told the surgeon that I thought the man would die unless the balls were taken off. He said he could not conscientiously take off but one. He did allow one to be taken off. The man finally died, as I supposed. I buried a man whom I thought I recognized as the same man, but he was so badly emaciated that I might be mistaken, but I think I was not. The man escaped, I think, about the 1st of May. He was brought back the next day, I think; it may have been the next day but one. Those balls and chains were put on at once and kept on him for perhaps three weeks, then they took one ball off. He retained the other when I was taken outside, on the 23d of June. Then about the middle of July (it might have been the last of July; I cannot fix the date, but it was some time from the middle to the last of July,) I but ed a man whom I recognized, or thought I recognized, as the same man. I examined the body particularly because several of us were acquainted with him, and we all thought he was the same man.

NUMBER OF PRISONERS BURIED WHO HAD BEEN SHOT.

I buried dead at Andersonville. I assisted in burying the dead from June 23, 1864, until September 8. I was detailed for that duty. It would be pretty hard to tell the number of prisoners that I buried who had been shot, because it became so common a thing that we did not fix the number. I should say at least thirty, possibly forty, and it may be more. I cannot tell the exact number. I am speaking of the period from June 23 to September 8. The bodies would be brought in and the remark would be made, "Here is another man shot." It became so common an occurrence that I did not take any notice, so that I cannot speak as to the number. I would see, during those months, all that were shot, that were buried. I might not hear of them. The duty I was doing was covering up the dead. I became so accustomed that I paid little attention, and unless some remark was made to call my attention, I might not see them.

By the COURT:

I did not dig the graves; I worked upon the bank, shovelling in. That was my portion of the duty.

TREATMENT OF THE DEAD.

By the ASSISTANT JUDGE ADVOCATE:

We buried the bodies in trenches about seven feet wide. I don't remember the length, but we put 150 bodies in each trench. The trench was dug about seven feet wide and nearly three and a half feet deep; then for a foot or a foot and a half deeper it would be six feet wide, leaving a six inch shoulder upon each side; then as long as we had sufficient help, there were men splitting pine puncheons seven feet in length. They were laid over the bodies, and then the grave was filled. The bodies were laid upon the ground side by side as close as they could be laid. We covered them in that way until, I think, the middle of August, when some of the men detailed were taken sick, and there were so many more to be buried that we were short of help, and after that no puncheons were used. We then merely dug the trench, six feet and a half wide and three and a half or four feet deep, and buried the bodies that way. Sometimes we were so crowded with work and so short of help that we could not dig the trench that deep. I think three feet was the least depth that we ever dug.

By the COURT:

The trench was long enough for 150 bodies laid crosswise. The length, I should suppose, was about sixty paces. The width of the ditch, seven feet, was for the length of the body.

THREATS OF WIRZ.

By the ASSISTANT JUDGE ADVOCATE:

At the time General Sherman was on his march from Atlanta to the coast, I was on detail at work in the commissary near the depot. Every time the cars came in we were watching to hear the news from Sherman. We were not allowed to ask any questions, but we were hanging about to see what we could find out. The report came in that General Sherman and his staff and 15,000 prisoners had been captured and were on their way to Andersonville. Captain Wirz made the remark that he hoped to God it was so, but hardly believed it; that if they sent them there he would take care of them; that he could take care of more damned Yankees than any regiment at the front; that he had a good place to keep them.

THE STOCKS.

I know of a man being put in the stocks for asking to see his brother. His name was Austin; he was paroled in the same squad I was. I was on the banks of the railroad when a lot of prisoners came in. This man Austin made the remark, "There is a brother of mine; I am going to see him." He went down tothe squad, and I saw him a short time afterwards in what we call the "spread-eagle stocks." He was there from two to four hours. That was in the latter part of July. I asked another man who was there what it was for, and was told it was for asking to see his brother. The man had told me that was what he was going for. I do not know who ordered the man to the stocks, no further than what I have stated. The stocks in which that man was placed were just above the south gate of the stockade. They were the ordinary stocks. There were two kinds of stocks there, but they were both near together. There were what we called the foot stocks, and also, as the boys termed them, the "spread-eagle" stocks, which held a man by his ankles, his neck, and his hands.

THE RATIONS.

During the winter I was in the commissary there was a barrel—I don't remember the amount, but it was about a barrel—of stinking pork brought to the commissary; it was turned over by the men who were at work for Captain Wirz, and through his orders, and issued to the Yankees. The next day, or the next day but one, I had orders to weigh off the same number of pounds of beef, and had orders to select the best there was in the commissary and turn it over to Captain Wirz. He came to me particularly himself and said, "I want you to take particular pains and get me the best there is; it is for my own eating." I know that the pork came from his hands from this fact; he came there and said there was some pork coming from his house, and it was brought over by men who were at work for him. I was in the commissary and had the handling of all the meat there.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When I was taken into the stockade, on the 28th of March, the men were in a very bad condition. I think there were about 7,000 there then. We were taken in in the night. There were the remains of pine logs and stumps, a few little remains. They were all piled up, and a little flickering fire had been kindled there. It rained badly. The men were gathered about there in hud-

dles. They looked more like walking skeletons than anything I have ever seen before or since. They were so blackened by the smoke that one of my comrades made the remark, "How very poor these darkies are." We supposed they were all negroes. A great many of them were so feeble that it was almost impossible for them to get to the sink, and they did not. Five of us together from the same company selected a particular portion of the stockade and fixed ourselves up as best we could, and tried to keep it clean, but from the fact of being in the neighborhood of so many of those who were unable to get to the sink, it was impossible to keep it clean. I have many a time got up in the night and tried to drive them away, but finding them unable to get away, I have helped them away, and then helped them back to the place where they had arranged to lie down.

SUFFERINGS FROM HUNGER.

I saw prisoners pick articles of food from the ground. Among those who came in there were some who had money, and those could smuggle in things and buy them of the guards, although it was contrary to orders. I have seen pies brought in there and sold. I saw one man eating a pie, and his stomach was in such a condition that he could not hold it, and he vomited it up. Another man made a grab for it, picked it up and eat it.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Cross-examined by COUNSEL:

The prisoners were emaciated there at all times, from the time I went there. It was when I first went there that the prisoners were so black that I thought they were negroes. There were men there all the time who were so emaciated that it was impossible for them to get to the sink and back—impossible for them to take care of themselves. I arrived there the 28th of March.

THE RATIONS.

That exchange of meat was made, I think, in January, 1865; it might have been in February, but I think it was in January. There were then, to the best of my knowledge, between six and seven thousand prisoners. I was then at the commissary. My duties were to weigh and load into the wagon all rations sent from that commissary, to weigh the commissary stores into the commissary as they came there, and out of it when they went out. I went in the commissary the 1st of November and staid there all the time till I was sent away for exchange, on the 18th of March. I worked in the building which has been described, but never on it. There were two buildings belonging to the commissary, one the building I am speaking of, and the other right opposite to it, west from the stockade.

(WITNESS pointed out on the diagram the building in which he worked.)

WITNESS continued: The long building, when I first went there, was occupied, the most of it, for the commissary, and one room for the quartermaster, and the other building on the opposite side of the railroad was occupied for the commissary also. During the winter the quartermaster removed his stores into the building across the railroad, and the commissary occupied the whole of the long building. That was the winter of 1864–'65—I think in the month of January, 1865. Up to that time the commissary used the most of the long building, and all of the other building. After that the quartermaster used the small building, and the commissary used the whole of the long building. I worked at both buildings when they were occupied. Whenever they issued from the short building I went there. The quantity in the two buildings varied. We handled them over when Captain Armstrong took command as post commissary. He relieved Major Proctor. I think it was in December,

1864. There were then about one thousand five hundred sacks of peas, about eight hundred sacks of meal, and quite a quantity of rice. I cannot tell the quantity. I believe there were between one hundred and twenty-five and one hundred and fifty barrels of molasses. There was a little bacon, but very little. I am speaking now of the month in which we took an inventory. We handled them all over. I think it was in December. There was sometimes less than that, and sometimes about the same, and sometimes more; the quantities varied. I think during the month of November there was considerably less there. During the month of December they kept coming in all the time, and from the commencement of December they increased up to that amount, and in some particular items went far ahead of that, and there was still more there all the time till I left there, except the article of rice. The crops, I should suppose, would be gathered before November, but I am not posted as to the gathering of crops there. I suppose it takes some time after the gathering of crops before they are brought to market. Those articles were constantly increasing from the fall months till the time I left, with the exception of rice and bacon, there was but very little bacon brought there after I went there. Some of the peas were very poor. Many of them were very wormy and unfit for use, but they were used. I cannot tell whether they were so when they came there. A great proportion of those peas were there when I went into the commissary. The peas brought there after I went in were most of them good. Some of them were bad, but as a general thing they were good; what was called good. They were an article of peas which neither you nor I would eat, but they were good compared with others; they were not wormy. They were not what I would eat now. We called them very good there because we could get no others. I would pass the commissary department before the fall months while I was on duty burying the dead. I used to go in occasionally, as I was acquainted with the boys who handled the rations, but we were not allowed in there a great deal. I could not give any particular opinion upon it previously to that time.

TREATMENT OF THE DEAD.

When I was engaged in the burying ground I worked with those who dug the graves. A man by the name of Byron had charge of digging those trenches. I think he belonged to the second Georgia reserves—either the second or third. I cannot tell his rank. He was detailed to take charge of us. I never heard him give any orders in relation to the digging of those graves. I don't think I ever heard him give any particular orders, except that several times we made application to him to apply to Captain Wirz to get us more help, and he would come back to us saying that we must do the work ourselves; that there was no more help to be got; but as to orders I do not know that he ever gave any. There was no restraint on us from digging those trenches as deep as we chose, except from the lack of help. We were never restrained from digging to any depth we chose, but we were expected to dig a certain depth. We might dig deeper if we chose. I never heard anybody order us not to dig deeper. I don't remember that I ever saw or knew of any indecencies ordered or directed towards those who were buried. I have seen them abused, but I don't know that it was ordered that it should be. I have seen them robbed of their clothing. I have seen them allowed to lie in the sun until they were so putrified that it was almost impossible for us to handle them. I have seen the rebel soldiers rob the bodies of their clothing, and I have seen our own men do it. This was outside the stockade, in what was called the dead-house. I never saw any corpses with their fingers cut off or mutilated in any way, except one or two who had lost their fingers in battle. I never saw any that were mutilated after death. I don't know that I ever saw any rings or watches taken from men after they were dead; I have seen their clothing taken off. I never saw Captain Wirz

robbing any corpses, and never heard him order anybody to do it. I saw no indecencies perpetrated on the corpses after they were brought into the burying-ground. There could not have been such indecencies often without some of us knowing it. Sometimes when a load was brought there it was impossible for us to cover them up at night. Their bodies might have been despoiled during the night and we not have known it, but generally we would cover the bodies up with puncheons. The puncheons might have been taken off, the bodies despoiled, and the puncheons put back again, so that we would not know it in the morning, but as a general thing they could not have been. The bodies were not kicked or cuffed about, or handled indecently in any way in the burying-ground; we handled them ourselves. I did not take them out of the wagons, but my comrades did. In reference to the manner in which they were handled, you might call it indecent, but they handled them the best they could. There was but one team and they had to draw from twenty to twenty-five at the load. The bodies were loaded in like cord-wood, the legs dovetailed together so as to make as much room as possible. This was so pretty much all the time. They never carried less than fifteen at the load, and I have seen as many as twenty-five. They had to do so in order to get them there in time to be buried. I cannot tell whether there was a sufficient quantity of teams. There were two different teams that assisted in drawing; that is, there were two drivers. I know nothing of the teams. I paid very little attention to them. I know that the same two drivers generally drove them. I know nothing in reference to efforts being made to get more teams except what I was told. All applications that were made were made through the drivers, and I had nothing to do with the teams. It was a general talk among us that we ought to have more teams. We cut pine trees, varying from eight to fourteen inches through, and split them into slabs from three to four inches thick; that is what we called puncheons. They were seven feet long, just long enough to lie across the trench. We used those puncheons until near the middle of August. I commenced to work in that burying-ground the 23d of June. We discontinued the use of puncheons because we had not help sufficient to bury the dead and to continue splitting the puncheons. There were no colored men at work with me in the burying-ground. There were no colored men at work in connection with the burying-ground at the time I had anything to do with it, so far as I knew. I think there were about thirty Union soldiers at work there, digging, covering, making stakes, bringing water, &c. Our party at the burying-ground ran down to twenty-five sometimes; there might sometimes have been less. I don't recollect of any men being taken from our number by the officers, except those who were sick and obliged to go away. If there had been I would have known it. I don't know that we were ever interfered with to prevent us from covering the dead. We were sent there for the purpose of burying the dead and were subject to the orders of this man Byron, and I don't think Captain Wirz ever interfered with us particularly, except that he gave orders that we should have nothing to do outside of that—should interfere with nobody else. I don't remember that we ever had any interference from Captain Wirz or any one else. We were interfered with frequently and abused like pickpockets for not burying the dead in better shape, but we did the best we could with the help that we had; but it was thrown into our teeth that we ought to work harder, that we ought to keep at work night as well as day. There were those who came there, some citizens, some soldiers and officers of the rebel army, who made it a point to abuse us as badly as they could, and they took that as one means because we did not work fast enough. They would frequently make the remark that that would make a nice vineyard, that the Yankee bones would make nice manure, and that tney would invite their northern brethren down to eat grapes from that vineyard manured with Yankee bones. They would indulge in that tantalizing talk. A great deal of that was thrown at us.

THREATS OF WIRZ.

I cannot fix the date when I was told that 15,000 were coming down from Sherman's army; I think it must have been in December, but I may have been mistaken about the date; I believe I stated the circumstance; some one got off from the cars and made the remark that Sherman and his staff and 15,000 prisoners were on their way there. The remark I have already stated was the answer Captain Wirz gave. The remark was made in the same manner that he always spoke of the Yankees, a disrespectful manner. I did not give all his language, because it was not decent. I saw no particular acts of violence connected with it towards any individual. No person but confederate officers were within his reach; I took pains to keep out of his reach and sight, because I was afraid to be seen there. I was more afraid of him than others, because he had given me orders not to be about there at that time.

THE STOCKS.

The "spread-eagle stocks" would hold two; the other kind would hold seven. The spread-eagle stocks were not the largest; I have seen the others used more frequently than the spread-eagle. I was put in the "horizontal stocks." I tried to get away and failed; I got about 160 miles; I was picked up by scouts; they took me for a rebel deserter; they did not take me back as such; I told them that I was a Yankee; I was afraid they would hang me if they thought I was a rebel deserter; when I told them that I was a Yankee prisoner, the guards who captured me treated me like a gentleman; that was in September, 1864; I left Andersonville the 8th of September, was recaptured, I think, on the morning of the 19th, and arrived back at Andersonville on the 28th; I went from the graveyard.

The ASSISTANT JUDGE ADVOCATE objected to the line of cross-examination as relating to matter not embraced in the examination-in-chief.

The COURT, after deliberation, sustained the objection.

I was first permitted to go outside the stockade, to remain out, on the 23d of June; I continued out until in October, then I was put back again and was taken out again the 1st of November. When I went out of the stockade in June to remain out, I entered into an agreement with Captain Wirz; he was to allow me to travel one mile from the stockade, but not to go into the stockade, and was to assist in burying the dead, and to receive double rations, and was not to take advantage of that to escape; I did not take advantage of it; I escaped in September; at the time I went away I belonged to what was called the "grave squad," and was washing the clothes of those who buried the dead; it was the same squad with which I had been connected since June.

SEPTEMBER 9, 1865.

WILLIS VAN BUREN, for the prosecution:

I have been in the military service of the United States, in the 2d New York cavalry; I was taken prisoner; I was taken to Andersonville June 7, 1864.

THE SUPPLIES FROM THE NORTH.

I saw sanitary goods worn there by confederate officers and soldiers; I saw pants and blankets worn by them, I think, in January, February, and March, 1865; I knew the pants by the color and the blankets by the sanitary mark.

THREATS OF WIRZ.

When we arrived there from Richmond and were drawn up in line, he counted off a squad and gave me charge of that squad, telling me I should be sergeant of it. When I counted off the men of my squad I found that I had two men too

many; I called him and told him that; he said, "They have flanked in; God damn your soul, if you let another man flank in I will shoot you," at the same time drawing his pistol, holding it before my face and cocking it. I thought at the time that he would shoot me; as he turned to go away he said, "I can take care of more of you God damned Yankees than General Lee can at the front." Captain Wirz used his pistol in his right hand; I don't know that I ever saw him use it with the other; at this particular time I think he used it with both his right and left hand; he had the roll of the squad in his left hand at the time and used his pistol with his right; I think he shifted the paper over to the right hand and put the pistol in his belt with his left hand; in marching the squad to the gate one of the men broke out of the squad to get a stick of wood; one of the guards halted him; Captain Wirz cried out, "Why don't you shoot the God damned Yankee? shoot him! shoot him." The man stepped back into the ranks and did not give the guard time enough to shoot him.

SUFFERINGS FROM HUNGER.

The prisoners, while I was there, were supplied with rations very irregularly; I have seen men in the stockade in a starving condition; at the time I went in the stockade it was so; I saw skeletons, men with the flesh all off their bones, lying and standing around and huddling over small fires—not fires to keep them warm, but fires to cook their victuals. Some were partially covered with blankets and some nearly naked. They were lying about indiscriminately in a starving condition. The place seemed a perfect hell upon earth. I frequently saw the men hunting around the sinks for food that had once passed through men's bodies, undigested food to eat.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw men who had been shot there; the first case in which I saw men shot, I saw three men shot at the brook; I am not positive as to the month, but I think it was in the month of August, the latter part of August. I was passing towards the brook after water and I heard a musket fired; I looked down to the brook and saw smoke rising, and I saw a commotion in the crowd; I went down there and saw that three men had been struck, one of them killed, and the other two badly wounded. The wounded men were carried out of the stockade and the dead body was also carried out; I never saw the wounded men after that; I do not know the names of either of them; I did not see Captain Wirz at the time; I did not hear anything said by the guard at the time; a man told me that the three prisoners who were shot were not over the dead-line; I did not see whether they were or not. I saw another man shot at the upper end of the stockade; another one that I knew was shot—I did not exactly see the sentry fire—was a crazy man that came by my tent and said that he was going over the dead-line to have the guard shoot him; I tied him up to the rear of the tent; that was at night, and at 2 o'clock in the morning he woke me up and begged to be let loose, and said that he would not go over the dead-line; I let him loose and he went over the dead-line in a few moments after and was shot; I helped to pull him out and to carry him out of the stockade; I do not know his name; I think this might have been in September; it was after the three men were shot; he was shot at what was called the north end of the stockade, north of the brook, clear back to the other end of the stockade, up where the buildings were erected.

A PRISONER SHOT BY WIRZ.

I saw a man brought in through the north gate who had been shot; he was shot at the north gate; I do not know his name; it was in the month of August—the middle of August, I should think; I could not say positively myself what he was shot for; he was shot through the breast. He was passing from

the dead-line to the gate. I understood he was shot by Captain Wirz; I gained the information from more than twenty men who were standing on the spot at the time and saw him shot. Captain Wirz was not there when this conversation took place; he was outside the stockade—outside the gate; this conversation took place immediately after the man was shot; I asked the men, as I came up, what was the matter; they said there was a man shot. I asked who shot him; they said Captain Wirz. I asked what for; they said for merely passing to the dead-line to ask him a question. I knew the man's name at the time, but I do not remember it now. I might have been four rods off at the time he was shot. If the sentinel had shot him I would have seen it; I saw no other men around there, who had arms, at the time he was shot. I cannot give the date of this occurrence; I do not remember the date; I did at the time keep a diary of all such affairs as happened there, but I disremember it now; I think it was in August, 1864.

THE SUPPLIES FROM THE NORTH.

Cross-examined by COUNSEL:

I saw these sanitary pants and blankets on confederate soldiers in January and February, 1865, just before I came away. I cannot state the number of those articles I saw worn by confederate soldiers. I saw them frequently. I saw soldiers have blankets on at different times, nearly every day. Some days I would see ten soldiers wearing them, and some days twenty. I saw them worn every day during two months. I did not see them get them, but I knew where they came from. They were sanitary goods. I knew they were sanitary goods by the marks on them. The blankets were smaller than our blankets. The pants were a peculiar color, grey, very much resembling the confederate uniform, with dark stripes down the sides. They were not uniform pants; they were citizens' pants; I know them by their peculiar color. I never saw any like them but sanitary pants. I did not see them taken out of the boxes. I know they were sanitary pants by seeing our men have pants of the same kind that they drew from sanitary boxes, that were issued to them by the officers. I think the blankets were marked "San. Com." They were a different gray from our army blankets, a darker gray. Probably I saw the guards have a dozen, probably not so many. I do not know how they got them. I never knew of our soldiers who were outside the stackade trading their clothing with confederate soldiers. It was not notorious that they did so. The men would be very apt after getting clothes to keep them. I never heard of anything of that kind going on outside the stockade. I stated before that I might have seen a dozen blankets used, and probably less. I cannot remember exactly how many.

THREATS OF WIRZ.

All I know about these "flankers" is that they flanked in on us and were driven out again. I was sergeant of a squad. I would try to prevent them if I saw them. I did not have much trouble from that source. There would be frequent mis-counts made by the officers and they would be attributed to flankers, but we generally got along well enough in the squad. I refer to the confederate officers, non-commissioned officers and others who counted our squads. Sometimes the squads would overrun and sometimes fall short. They would as frequently fall short as overrun.

SUFFERINGS FROM HUNGER.

I cannot tell you why the stockade was a perfect "hell upon earth" unless it was because the prisoners were treated so—nothing to eat, nothing to wear, no

fuel, hardly any water; I certainly should not consider it a heaven or a decent place. I can compare it to nothing but hell upon earth. As a natural consequence of the treatment our men received there, they were fighting and robbing each other.

SHOOTING OF PRISONERS BY THE GUARDS.

When I saw those three men shot, I was going down the hill; it might have been three rods, or probably five, from where they were shot. I heard the report of the gun. I did not see the man when he fired. I did not turn back and go to where the three men were. I was going in that direction at the time. I knew in my own mind that the guard shot them. I saw the smoke rising from him, and I saw him recovering his piece. I do not know exactly where the men stood when they were shot.

A PRISONER SHOT BY WIRZ.

I mean by saying that the man who was shot was brought in through the north gate, that *there* is where he was shot—at the entrance of the north gate. He had started to go outside, as I understood. He was shot between the dead-line and the gate. I think this was in the latter part of August; it was some time in August. I do not know if it was about the 20th. It might have been the 2d, or it might have been the last. I think it was some time in August, but I am not positive.

(Witness here pointed out the north gate on the diagram.)

The gate was open.

DAILY RECESS OF THE COURT DISCONTINUED.

Upon the meeting of the court on the 11th of September, 1865, on motion it was ordered that the daily recess of the court be hereafter discontinued, and that the court sit from ten a. m. till three p. m.

COUNSEL FOR THE ACCUSED REQUESTS THAT WITNESSES FOR THE DEFENCE BE SENT FOR.

Mr. BAKER stated that some time before the beginning of the trial, those who had then acted as counsel for the prisoner requested that certain witnesses should be sent for, which, on application to the department, was done. A number of those witnesses could not be found, and some who were found had not reported. The developments of the trial had shown the necessity of having those witnesses or others in their places, and also other witnesses to meet new matter, which could not be anticipated. The required witnesses were scattered in different parts of the country, mostly in Georgia, and were mostly in places with which there was no mail communication, so that they can be reached only by a special messenger. These witnesses were absolutely necessary for the prisoner, in order to enable him to make out his defence, which he believed he could do thoroughly, if proper facilities should be afforded him. Counsel believed that every member of the court would say, "Give the prisoner every means of making out his defence, cost what it may." The question now was, whether the necessary facilities should be furnished at the expense of the government, or whether the prisoner must bear the expense of procuring those facilities. The judge advocate had desired some time ago that the prisoner should furnish a list of the witnesses which he required; but he (Mr. Baker) had been unable to prepare such a list thus far during the progress of the trial; but he would be ready to furnish to-morrow morning a list of witnesses, so that a special messenger of the government might leave at once.

The JUDGE ADVOCATE stated that, from time to time, during the progress of the trial, he had urged upon the counsel of the prisoner that the rule of the court in reference to furnishing a list of witnesses should be complied with; but no such list had been furnished. Four weeks ago, a special bailiff had been sent to Georgia and other States of the south, mainly for the purpose of procuring witnesses for the defence. At that time the prisoner himself furnished a list of witnesses required by him from that part of the country, stating upon the list that they were all that he would require. All those witnesses were present, with the exception of four or five, some of whom were in Europe and some in Texas. As to Dr. White, no one could tell his whereabouts. If the developments of the trial had shown the necessity of other witnesses, counsel for the prisoner should, in fairness to the government, give a list of their names, with their residences, and some statements of the points expected to be proved by them. All the witnesses who had thus far made their appearance, under the summons of the defence, there being about twenty such, were in fact witnesses for the prosecution, most of them at their own solicitation; so that, although counsel for the prisoner had said that his defence was ample, he (the judge advocate) was sorry to say that he believed it to be no defence at all.

For the court to send another bailiff down through the south in search of witnesses would be an unjustifiable expense. If there were in the south any witnesses whose presence was required, they could be procured by telegraphing to the commandants of the nearest military posts.

Mr. BAKER. It may be well, in reply to the suggestion of the judge advocate, to call the attention of the court to the fact that many witnesses who have come, subpœnaed for us, have been examined on the part of the government, and sometimes witnesses have complained that improper language has been used to them to draw out of them something for the prosecution. I hardly believe that the judge advocate would himself attempt to use the influence of the government to frighten or press out of our witnesses anything for the prosecution, and I will not charge it. But witnesses come here under very peculiar circumstances. Many of them feel it to be necessary to say and do all that they can to leave a favorable impression with the government officers to show their friendship or good feeling to the government. Witnesses have remarked to me, when I asked them how they would testify, "Why, do you suppose I will leave anything undone to save my own head?" This, without requiring any pressure on the part of the officer connected with the government, would account for the witnesses summoned for the defence appearing willing, as the judge advocate says, to testify for the prosecution.

Mr. BAKER, in continuation, remarked that the absence of the witnesses sent for necessitated the presence of others to take their places, and additional witnesses were required to meet evidence which could not be anticipated. Some of the witnesses previously sent for had purposely kept out of the way of the bailiff. What would be the use of sending a subpœna by mail to such parties? In reference to the suggestion of the judge advocate that the defence should accompany the list of witnesses with a statement of the points expected to be proved by them, the testimony was so voluminous that it would take some days to do so in the manner in which it is done in civil courts, and an adjournment for a week would probably be necessary.

The court was cleared for deliberation, and when the doors were reopened, it was announced that the court had decided that the defendant should present an affidavit to the court, showing first the names of the witnesses, their residence, and reasonable ground of belief that they can be found; secondly, the facts which the prisoner expects and believes he can prove by each of them, that the court may determine the materiality of the evidence; upon which affidavit the commission will afterwards make the proper order.

Mr. BAKER said that such a statement as would be necessary under the order

of the court could not be prepared by him in less than three or four days and during an adjournment of the court.

The JUDGE ADVOCATE explained that all that would be required would be a simple, brief memorandum of the nature of the testimony expected from each witness, such a memorandum as the prisoner himself, before the commencement of the trial, had prepared in about twenty minutes.

Mr. BAKER replied that such a memorandum, if it would suffice, could be prepared in a very short time, and without any adjournment of the court, and he would most willingly make it.

The reporter, at the suggestion of the judge advocate, read that portion of Mr. Baker's remarks relative to an attempt to influence improperly witnesses summoned for the defence. The judge advocate said that those remarks seemed to imply a reflection on the representatives of the government charged with the conduct of the prosecution, and he asked an explanation.

Mr. BAKER. I do not think that my remarks contained any reflection upon the judge advocate.

The JUDGE ADVOCATE. If the gentleman has no charges to make against the judge advocates of this court, the language is highly improper, as it apparently censures those officers, suggesting a very plain inference that, in the opinion of the counsel, the judge advocates in the preliminary examination have used improper language to witnesses. Speaking for my associate and myself, I pronounce such a charge entirely false. The preliminary examinations on the part of the government have been made with all the fairness and courtesy due from any attorney or judge advocate toward any witness. Those examinations have always been made, I believe, in the presence of clerks, reporters and others connected with the court, and I am sure that nothing has occurred to justify any such expression on the part of counsel for the prisoner. I therefore ask this court to order that an investigation be made, and the counsel be called upon to sustain if he can the allegations which he has made, so that if any officer of the court has acted in an unprofessional or unofficer-like manner he may be dealt with by the commission as he deserves. I think that such an investigation is due to the judge advocate.

Mr. BAKER. In stating the impression of witnesses who had spoken to me, and who had been saying these things, I thought I was very careful to preclude any idea on the part of the judge advocate that I intended by any possibility to implicate him. The record shows that I was very careful, and it may be enough for me to repeat what I then said, that I have too high an opinion of the judge advocate to believe that he would do anything improper. But the witnesses when they come here feel that they are under a restraint which we cannot feel, because we are not in their position, and they make these remarks. I suppose it is sufficient for me to state that I by no means think that the judge advocate could be guilty of any such thing; I wish no such construction to be put upon my language.

The PRESIDENT. As I understand the language of the counsel, it contains what is equivalent to a charge, if not against the judge advocate, against some person connected with the government. If it is not made in the form of a charge by the counsel for the defence, it comes at least in the form of an accusatory statement from certain witnesses. If the facts stated are true it is certainly in the power of the counsel to state the names of the witnesses.

Mr. BAKER, (interrupting.) I don't know their names.

The PRESIDENT. If the names of the witnesses be given we can have an investigation of the question whether any improper attempt has been made in the part of any person connected with the court or the government to influence them in their testimony. The charge which has been made is an indirect impeachment of the judge advocate of this court, and an indirect impeachment of the

government in whose name this prosecution has proceeded. I think, therefore, for my part, that the motion of the judge advocate is eminently proper.

A MEMBER of the COURT. I should like to have the counsel state whether, in making these charges, he meant to imply that such was the feeling of those witnesses, or whether he charges that any officer of the government has tampered in any manner with the witnesses.

Mr. BAKER. Oh, no. In the first place there is no language that can imply such a charge, and in the second place I had no such intention. The language is clear on the record. It seems to me that there is an undue sensitiveness on the part of the judge advocate, for in my remarks I expressly conceded his kindness and gentlemanly conduct during this trial.

A MEMBER of the COURT suggested that the language which had been used was such that in his view an apology was due from counsel to the judge advocate.

The PRESIDENT remarked that the question was more than a simple question of courtesy between the counsel and the judge advocate. If any improper influences have been attempted to be used toward witnesses by any officer connected with the government, such conduct should be promptly punished.

Mr. BAKER. I have made no charges against the judge advocate.

The PRESIDENT. Do we understand you to retract?

Mr. BAKER. I retract any insinuation which I may have been understood as making that anything improper has been done on the part of the judge advocate.

The PRESIDENT. Or any one else?

Mr. BAKER. No, I cannot swallow my words in that way.

The JUDGE ADVOCATE. Then I hope you will sustain them by proof.

Mr. BAKER. I make no charges against you; you cannot find any on the record.

The JUDGE ADVOCATE. The court must have noticed that during the progress of this trial, certain journals of the country adverse to the government have taken occasion to gather up just such charges as these as the basis of accusations against the government and against the officers charged with the prosecution of this trial, and unless those officers demand some proof when such allegations are made by the counsel in the case, then the judges advocate must rest under these accusations. The charge which the gentleman has made is a grave one, which cuts my associate and myself to the quick, and unless the counsel retracts it wholly, this court should, in justice to us, require that he sustain it by proof.

Mr. BAKER. If you could find any such charge made by me you might ask such a proceeding.

The JUDGE ADVOCATE. The gentleman has charged us with using improper language and improper influences towards witnesses.

Mr. BAKER. Nothing of the kind; my language, as read by the reporter, shows that I simply repeated the language of witnesses.

The PRESIDENT. We want to know who the witnesses are.

Mr. BAKER. That I cannot tell. When a witness catches me by the arm and speaks to me on the street or elsewhere, how can I tell his name?

A MEMBER of the COURT said that the whole question seemed to hinge on one remark which had been made by the counsel, that improper language had been used toward witnesses. If improper language had been used the court ought to know who had used it.

Mr. BAKER. If the question hinges upon that remark, then perhaps that should be amended.

A MEMBER of the COURT inquired whether counsel still maintained that any improper language had been used towards witnesses by any officer of the government.

Mr. BAKER replied that he did not know of any such thing himself.

The PRESIDENT suggested that counsel report to-morrow morning the names of any witnesses who had made complaints of the sort referred to.

Mr. BAKER stated that he would report their names if he should be able to do so.

The PRESIDENT. If improper language had been used, or improper influence attempted, it is very proper that counsel should call our attention to it, and we are obliged to him for doing so. The only object in asking the names of the witnesses is that an investigation may be had and any guilty parties punished.

THE SUPPLIES FOUND IN GEORGIA AND ALABAMA IN 1864–'65 BY GENERAL WILSON'S COMMAND.

SEPTEMBER 11, 1865.

Major General J. H. WILSON, for the prosecution:

My rank in the United States military service is captain of engineers, United States army, and major general of volunteers. I have been operating for the past year in Tennessee, Alabama, and Georgia, with the cavalry corps, military division of the Mississippi. During the latter part of the year 1864 and the early part of the year 1865 I have been campaigning in Tennessee, Georgia, and Alabama. I am stationed at Macon, Georgia. After passing through the mountainous region of northern Alabama I found supplies in great abundance on our lines of march—in sufficient abundance to supply a command of 17,000 men without going off our lines of march for them. On going south I marched southeast from the northwest corner of Alabama to a point called Montebello, and thence south to Selma, from Selma southward to Montgomery, from Montgomery two lines, one to Columbus, Georgia, and the other to West Point, Georgia, and thence by two converging lines to Macon, Georgia, and then all over the State of Georgia, from there to the Gulf. We found lines of railway running very nearly in the direction of the march from Montebello. The rebel government, before the invasion of the United States government, drew supplies from that part of the country, from central Alabama to southwestern Georgia, for the wants of their armies operating in the field; that was their grand region of supplies. There was a railroad communication between the parts of the country of which I have spoken, and Macon and Andersonville.

THE ARREST OF WIRZ AND THE ALLEGATION THAT THE GOVERNMENT HAD PROMISED HIM PROTECTION.

The circumstances connected with the arrest of the prisoner were simply these: On arriving at Macon, as a matter of course, inquiry was at once made as to the condition of the Andersonville prison, and who were responsible for its condition. I sent officers down there to investigate the matter, and among others Lieutenant Rendelbrook, fourth United States cavalry, and one of my staff officers, Captain Noyes, now Major Noyes. They made a trip there and returned, reporting to me that the man Wirz who had been in charge of the prison was still there. I immediately ordered Noyes to return to the prison, arrest him, and bring him to Macon. He brought him to Macon, and I do not know how long he was kept there; several days, however. The first party who went to Andersonville brought back the paper—whether sent by Wirz or not I do not know—which has been produced in court; a letter addressed to me asking protection, among other things, on which I made an indorsement recommending the trial of Wirz. Afterwards when he was brought forward himself I simply remanded him to prison and wrote a letter to the Secretary of War, requesting that he might be brought to trial, in order that the matter might be thoroughly investigated. No protection was ever guaranteed to him by me. I ordered his arrest for the purpose of bringing him to trial, and for no other purpose, and with the

special intention that he should not have the benefit of the amnesty or armistice between Sherman and Johnston, so far as I could prevent it. [A paper was here handed to witness.] That is the letter to which I refer. That is my signature to the indorsement. The statement of the escaped prisoner referred to in the indorsement is the statement of, I think, three or four men whom I requested to make statements to accompany this paper, with the expectation that an investigation would be made.

GENERAL WILSON'S EXAMINATION OF THE PRISON, ITS CONDITION, HIS OPINION OF ITS LOCATION, AND WHAT MIGHT HAVE BEEN DONE TO RELIEVE THE SUFFERINGS OF THE PRISONERS.

I have visited Andersonville. I have examined the state of the prison and the buildings there and the country generally in the neighborhood of it. I presume the court may have examined this drawing of the prison; it was made under my direction; it does not show quite well enough the topography. The stream here called "Little Sweet Water" is a large creek running as much as fifteen feet in width and five feet deep, and runs only about two hundred and fifty feet from the corner of the hospital enclosure. If the main enclosure had been simply enlarged so as to cross that creek, which could have been done very easily, it could have supplied all the troops that could possibly have been put there with ample water both for culinary purposes and for the purpose of police.

The timber in the neighborhood was ample, and, as a matter of course, it being a grain-growing region, the means of supply of provisions were ample, and the means of getting them there were ample. The creek on which the prison was located is not a large one, but simply a spring branch, little springs running out of the side of the hill, making a creek which I suppose will not run more water than would supply for the purposes of an army a larger command than four or five thousand men, because the water does not flow rapidly.

There is one spring inside the enclosure, but that would not supply more than a regiment of men, as troops use water and as they ought to use it. I visited the stockade some time in the last part of June or the first of July, this year. I found, I think, the remnants of some ten sheds inside the stockade, one set of five on one end of the stockade and the other on the other end. They were simply shed roofs, supported by ordinary square timber cut from woods in the neighborhood, and covered with boards, nothing else. I observed that the character of the buildings outside the stockade was temporary. They were constructed in a similar manner to those sheds, except that the sides were boarded up. The commissary was a stockadebuilding, formed of logs; the others were generally small framed buildings, some one story and some two stories high, and made of boards. My impression is that the barracks erected for the use of the troops on garrison there were such as troops ordinarily construct for themselves—huts. There were some barracks (which had, perhaps, been used as a hospital) which were fair barracks for troops. What troops ever occupied them I could not say. I noticed the surrounding timber. It is a well timbered region, a region abounding in fine timber of a character very easily worked—pine particularly. Northwest from the stockade there is a large pine forest, and that immediate region being a poor region has not been generally cultivated, and this forest was undisturbed. It could have been used for getting out shelter very readily. It is just such a place as troops would like to camp in for the convenience of wood and water and such things as that, if they were going to make winter quarters, aside from mere climatic reasons. I have nothing to say in reference to that. I should say that it would require to enlarge the inner stockade one-third about 1,800 feet of additional stockading to be put up, and the outer one about 2,400 feet. It would require about forty days' work for one hundred men, working as soldiers work, but one hundred men could do the work

in twenty days, provided they did a full day's work and had all the appliances for transporting timber from the forest—they would not have to transport it more than a mile on the average—and all the necessary appliances for digging, &c. There was plenty of black labor to be had in that country. I found no difficulty in obtaining laborers; the difficulty was in getting rid of them. You could get all the labor required there for any purpose of that kind.

Q. State if you are able to make an estimate, allowing that 30,000 prisoners were confined in the stockade and that half of them, 15,000, were supplied cooked rations, what amount of wood would have been required to cook the rations issued to the remaining 15,000, consisting simply of corn-meal, bacon and peas?

A. That question is somewhat complicated; it would depend entirely on the appliances used in cooking. The quartermaster's monthly allowance for wood, I think, in summer time, or from May till October, is a cord for every twelve men; that would require about 1,250 cords to 15,000 men, and that I think is a very fair estimate. A man can cut two cords of wood a day if he tries; in that timber certainly a workman would cut two cords a day, but a soldier probably would cut only one; and it is a liberal estimate, because it would not have to be split up. About thirty men per day would cut all the wood required or allowed by the quartermaster's regulations for 15,000 men, and a guard of ten, fifteen, or twenty men would be ample to protect that number of men in the work. If you take the winter allowance it would be just double. I think they allow one cord of wood per month for six men in winter time, and, as a matter of course, it requires sixty men to do the work.

There was lateral drainage in the stockade, of course, from both ends of the stockade to the creek which runs through it. There was no sewerage system that I could observe, excepting such as would naturally result from the formation of the ground. I observed no artificial drainage.

By the COURT:

I have spoken of sheds I saw in the stockade. They remained there when I was in the stockade. I found nothing in the way of habitations, huts, conveniences, &c., for the protection of the men. I understood that those sheds were used for the protection of those in the stockade whose health was worse than that of others. The men had, for protection, burrowed both in the level part of the ground and in the inclined part on the hillside, particularly in the hillside. Those constructions assimilated to tents, but they were made in the ground. I presume they must have been covered over with fragments of boards and blankets and shelter tents and such things as they could get there, but there was no evidence of anything of that kind being there. There was just as many as could be put in that space of ground, and I suppose it was very close packing, for I saw no means of passing between them. I saw the interior of some of them; I stooped down into them. I should say as a general thing that the character of them was about like the ordinary shelter made by combining two shelter tents; they might hold four men, but they would be very crowded.

Cross-examined by COUNSEL:

I stepped down into the excavation which was used as a ground-floor or base ment. I saw no tunnels running under the stockade. I was told there had been something of that kind attempted. I examined half-a-dozen or so of those holes; I could see them all around in riding over the ground. They all had the appearance of being houses for protection. I saw one particular kind of holes that I did not understand, circular shafts of the diameter of six feet, and sunk as far as I could see. They might be wells. They were up on the hill, which was some eighty feet above the level of the country, and they may have been made deep so as to get to water, which, if the water was at the ordinary level, would be forty or fifty feet. I examined them the last part of June or first of July.

By the COURT:

If they took crooked timber to enlarge the stockade the men would have crawled between the joints, but the timber in that country does not grow crooked; as a general thing it is very straight. They could have erected a perfectly secure stockade without squaring the timber; axes and shovels were the only things necessary. Saws and a few hammers might have been used occasionally, but axes and shovels would have done the work. Our soldiers generally worked with those, and they could make almost anything. I believe there were some few implements of that kind fell into the hands of our troops, but what number I don't pretend to say. Afterwards I put a man in charge of the place in order to protect it, and I think he reported to me that he had found a few tools; how many he did not say. The court may have misunderstood what I said in reply to the question how long it would take to enlarge the capacity of the stockade one-third. I did not mean to state the time which it would take to extend it across the creek. I think, however, that it would have taken but little longer to extend it across the creek and take in all the ground that would have been necessary for any number of prisoners that might have been put there.

By the JUDGE ADVOCATE:

I would not undertake to say that the addition of one-third would have included Sweet Water creek, though possibly it might.

The JUDGE ADVOCATE. The court will remember that Dr. Eldridge in his report said that it ought to have been extended in that direction.

WITNESS. There is no question about that, because then the prisoners would have had the use of an ample stream of running water all the time—ample for any number of troops—a stream that could not have been exhausted, instead of this little branch.

By COUNSEL:

The larger creek is called Little Sweet Water creek. All three creeks come together within a half of a mile. I examined Little Sweet Water creek with some care; I waded into it. At the time I examined it, it was about twenty-five feet wide and about four and a half feet deep; that was just after a rain, but by inquiry of citizens in the neighborhood I learned that the stream was then at its usual stage, though probably somewhat swollen. By a rough calculation I infer that the average width of the stream was about fifteen feet and the average depth about five feet, with a velocity of probably a mile an hour; it might not be so much. It is rather a sluggish stream, though the water is clear and apparently sweet and good. At the bottom, the creek is somewhat wide, and it shelves off very gradually. It has not steep banks.

Q. You said you thought the stream was about four and a half feet deep?

A. I am striking an average of the size of the stream, in order to state the volume of water that passes through it.

By the COURT:

Q. From the construction of the stockade and the general appearance of the work, was there, in your opinion, any exhibition of intelligent engineering?

A. It was intelligent enough for the purpose, but it did not exhibit any very humane engineering. It was simply an enclosure stockade, and made safe for men to go into, with no earthly preparation that I could see for their comfort; and if there ever were 30,000 men there, as I have been told there were, that would explain very readily the cause of the deaths. There were 12,000 to 15,000 graves outside. I have been told that originally a six-horse wagon was used in hauling provisions, but that the stockade afterwards became so crowded that a wagon could not go in at all, so that a cart was used instead. Whether that be true or not I cannot say. I conceived it to be very reasonable, if there were 30,000 men inside the stockade. The improvements which suggested themselves to me were perfectly apparent to anybody.

By COUNSEL:

Any engineer could have seen what I suggested, and any humane man could have seen that that prison was either located for a very much smaller number, or if located for that number, it was with the intention that they should not have the benefit of water or fuel, and the graves there led me to the inference that it was intended they should not have the benefit of provisions either; the want of water, fuel, and the lack of shelter are apparent; I did not notice where the stockade had been enlarged; I could not distinguish where it had been extended; I have been told that it had been enlarged, and I think that it had probably been extended towards the north; I should infer that the stream ran through the middle of it, if my inference in regard to its enlargement is correct. The stream now runs about one-third of the distance from the southern end, leaving two-thirds of the enclosure north of the stream and one-third south; if I was to make my own inference I should simply say that if that prison had been designed for 2,500 or 3,000 men, of the size originally constructed, it would be a very good prison if it had the other appliances necessary for their comfort; there would be at least plenty of water. I should say there had never been any accommodations there for any number of prisoners. The little bake-house was probably the only thing that assimilated to any accommodations for the prisoners; there were two or three ovens in that; that was the only place that I saw that looked like intending to give the prisoners that comfort which it was necessary for them to have; it was a very good place for two thousand men, but a very bad one for thirty-three thousand. My own impression is that for an encampment of two or three thousand men, it would be as healthy as any one in the country. If I had been travelling through the country and had been going to make a camp, I would have made it right on the edge of Sweet Water creek; I would not have liked, probably, to have gone there to winter my command or to stay there forever.

By the COURT:

I should say that the swamp in the stockade would be very unhealthy in summer time; it has a tolerably wide bottom, quite alluvial, the water sluggish, and would be very apt to breed miasma. As to the condition of the swamp beyond the prison, I did not examine it at all. There is a little swamp in Sweet Water creek, none that would be unhealthy after taking the timber off it and letting it be exposed. The ground would have been quite as good there, and probably better, because where it was the ground washed a good deal; the men in burrowing disturbed the soil and it washed down into the creek, but the Sweet Water creek was large enough to clear itself; the ground was not so that the washing of the camps would wash into it; I hardly think so much on the "Little Sweet Water" as the other; I think the slope at the "Little Sweet Water" is more gradual and gentle; being a very large creek, it would necessarily be so. At the little creek the escarpments are very sharp and it could not clear itself very readily, particularly when covered across by the stockade, forming drains in it. I think there can be no question as to the desirability of the two locations; if you were going to put a prison there, ordinary humanity would require that it should be put across the main creek, if it were intended to accommodate such a large number of men; it would have been only three-quarters of a mile from the depot; the creek runs up in that direction and it may possibly cross the railroad.

THE ARREST OF WIRZ AND THE ALLEGATION THAT THE GOVERNMENT HAD PROMISED HIM PROTECTION.

By COUNSEL:

I could effect the amnesty only by my recommendation, which I think would go some distance, as it evidently did. Captain Wirz was arrested, sent forward,

and tried under my recommendation, I presume, as there was no other official action taken in the matter, so far as I heard of. That recommendation was a letter simply stating that the man (Wirz) had been arrested, was charged and believed to be—I am speaking, of course, in general terms, I do not undertake to give the particular language—guilty of the infliction of punishment upon our prisoners at that place, and that the miscreant should be brought to justice, in order that the whole matter might be thoroughly investigated. That was what I meant by saying that he should not have the benefit of the armistice. In order that the court may understand, let me say that I was left considerable latitude. I certainly had authority to withhold the provisions of the armistice from anybody that I chose, since I was acting under the orders of General Sherman, under the orders of General Thomas, and under the orders of the Secretary of War and my own inspirations, and in the matter of the surrender of Johnston I received telegraphic information and orders to carry out the orders of General Sherman. I received direct orders from General Thomas to carry out another set of orders which prohibited everybody in the State of Georgia from the benefits of General Sherman's amnesty. In so far as the terms I was permitted to give them guaranteed them only protection from the military authorities of the United States, I was there to do as I pleased and as the interests of the government required me. If I had not done right I should have received the censure of the government.

Q. But if you had acted under General Sherman's orders, you would have been protected by his orders, and if you acted contrary to them and acted under General Thomas's orders, you would have been equally protected?

A. I would have been protected so far as General Thomas was concerned. The question of rank between General Thomas and General Sherman would have been one to have been determined by others, but if I had made a mistake in the matter of Wirz, or in any other matter, important enough to attract the attention of the government, I should have had to suffer for it, because I had ample discretion.

Before sending for Captain Wirz I had no information that he wanted my protection, except that document which came up with the first party. I had received it before I sent for him; that is my impression; I cannot positively say in reference to it, however. I sent Captain Noyes, now Major Noyes, and Lieutenant Rendelbrook for him. Captain Noyes reported to me his presence at Andersonville, and the fact that he was generally believed to be responsible for what had been done there. When I sent those parties I had no thought or knowledge that Captain Wirz was there. I had not supposed that any man who was responsible for so much would have stayed. I may have heard there was such a man as Wirz and that he had command of the prison, but I did not think of it then. My object in sending the first time was to investigate matters connected with the Andersonville prison, and the atrocities alleged to have been perpetrated there. As a matter of course if Captain Wirz, or anybody else, was there, they were one of the principal objects aimed at, though not specified in my orders to the officers or in my own mind. I cannot remember what they reported to me about Captain Wirz when they returned, more than that he was there, and that sick and wounded soldiers, of whom there were some two hundred, and some of whom had been brought up, had sworn that he was the author of their condition and their misery. He was living there; I do not know if it was in a house. There were Union prisoners there. There were some two hundred and fifty shadows of soldiers, men who could not possibly have been moved without endangering their lives. A great many of those men died after they were brought to my hospitals. My impression is that the letter was brought by Lieutenant Rendelbrook; it was brought by the party who went down. The letter, together with there presentations of the officers that he was there, and that they believed he was the responsible party, first called my attention to Captain Wirz. I think

the officers went back very soon afterwards. I know that I issued orders immediately for his arrest—verbal instructions to Captain Noyes.

Captain Noyes when he returned to me made no report more than that he had brought the man and had him confined under guard. Captain Noyes spoke of the family crying and expressing great fear that he was going to be hanged or made away with. He brought the books and papers upon the first trip; that is my impression. Those books and papers were sent by Captain Noyes, at the time the prisoner was transmitted, to the Adjutant General of the United States army at Washington. He brought me, I think, a receipt for the books and papers.

By the COURT:

I did not give, or cause to be given, to the prisoner any assurances as an inducement for him to deliver himself up. Nor was any such assurance authorized. The officer whom I sent being an officer of discretion and prompt obedience, I don't think he ever intended to give the prisoner any assurances of any kind, except that he should not be hurt just upon the ground at the time. He probably gave him some assurance of that kind, that he should not be killed or handled roughly, so as to quiet his family. That is my interpretation of the whole matter. I know that Captain Noyes had no jurisdiction to give any other sort of assurance of protection. His simple object in going there was to arrest Wirz, and we had special instructions to parole no person in Georgia, and to give no protection to any one except from the military authority. There were no prisoners paroled in Georgia except upon that condition. When I had Captain Wirz brought to my headquarters I did not offer him any safe-conduct of any kind in returning, except that the guard were instructed to protect him and deliver him safely into such hands as the Secretary of War might direct. My officers reported to me that they risked their own lives in protecting him. At Chattanooga he was attacked by the troops, and but for the personal interposition of Captain Noyes he would have been disposed of. Captain Noyes disguised him in some way or another and managed to get him through.

GENERAL WILSON'S EXPLANATION OF THE DIAGRAM OF THE PRISON.

By the JUDGE ADVOCATE:

[A diagram of the prison was here shown to the witness.] This survey was made by my directions for the purpose of giving proper information to the War Department as to the situation of affairs at Andersonville. It is simply a survey of the projection of the surface of the ground and of the buildings, and the horizontal lines upon it represent the planes of intersection with the surface, which are supposed to be five feet apart, and the number of these curves multiplied by five will give the difference between the top and the bottom, the highest point of ground in the neighborhood and the lowest, but what it is exactly I cannot say. At this corner [illustrating] is the projection of the fortifications which were mounted with guns in these little crotchets, the guns having ample sweep over all the ground except near the edge of the works. I found the guns only in this one fortification, [illustrating.] I did not go into the others. These little buildings, [illustrating,] around in the neighborhood, are buildings connected with the administration of the prison, all of a temporary character. The stockade was formed by cutting the timber from the forest. I think that most of it had been taken from the inside of the enclosure, the timber being probably fifteen feet in height, and sunk into the ground five feet. The timber in the other works was twenty feet long, the two sides being laid so as to fit close together, and then they were bandaged together by a strip of timber inside. Then along on the outside, at various points, were stands for the sentries, and the sentry boxes which served as protection from the weather. Along inside, from I don't know what distance, were small palings of a single strip of deal nailed on the

top of little sticks, which was called the "dead-line." The outer line of the stockade was constructed pretty near in the same way. Each presented a large barrier, well protected in all directions, so that no person could get in or out except by receiving a very heavy fire. The earthworks were so situated as to receive troops for the protection and guarding of the place, and this one [illustrating] is especially well designed to give the complete control of the whole interior works. I found guns bearing on the interior of the prison. I don't know what number, but this little crenellated line, [illustrating,] filled with guns and pointed as they only could be pointed, occupied that position in the works. A piece of embankment was thrown up here [illustrating] to protect these guns from the hill in the rear. I have been informed that the embankment was thrown up at the time when Stoneman was supposed to be going in that direction, and as a protection against anything coming from the rear. The enclosure had, I think, twenty-two sheds in it, constructed like those previously described, with the chimney in the centre for the purpose of allowing a fire to be built. They had no siding and very slight accommodation of any kind. I saw a few cots in them. There was no flooring upon the ground at all. There were probably one or two wells in the yard. Some of the sheds were unfinished. This line of sheds, the southern line, was unfinished. I can say that this map is quite accurate, because I examined the whole ground myself, and I know that the whole map was made with particular care by measurement, and was directed to be made accurately. This, together with pencil sketches, which were sent about the same time, will give quite as accurate an idea as could be obtained without a personal inspection of the ground.

THE SUPPLIES FOUND IN GEORGIA AND ALABAMA IN 1864–'65, BY GENERAL WILSON'S COMMAND.

SEPTEMBER 11, 1865.

GEORGE WELLING, for the prosecution:

I have been in the military service of the United States for four years as lieutenant colonel 4th Kentucky cavalry. My regiment was ordered to Albany, Georgia. I took the command of the post about the first of May. I passed very often up and down the railroad from Albany to Macon; I stopped at Andersonville fifteen or twenty minutes at a time. I was never at the stockade. I was with General Wilson's command from the time it left the Tennessee river until we left that part of the country, about the 20th of last August. The confederate commissaries and quartermasters who were located at Albany turned over the stores and provisions they had there. There were thirty-one thousand pounds of bacon turned over by Captain John Davis, confederate commissary; seven hundred bags of salt; the amount of corn I do not recollect. There was a large quantity of corn and bacon in the country through which we passed. Parties after we went there proposed to supply us with any quantities needed to supply General Wilson's army. There were three grain mills in the vicinity. The mill at Albany, which was built by the confederate government, had two run of stones. A mill some four miles from there, which I never visited, had, I understood, the same number. That mill at Albany was capable of grinding from four to five hundred bushels of corn in the twenty-four hours. This mill turned over to us by the confederate government at Albany had a very good bolting cloth in it, and ground very good flour. We made very good flour in it after we took possession by it. They had a bakery there with four ovens, where they baked hard bread; some of that hard bread that I have seen was very good. Albany is thirty-five miles by railroad from Andersonville. The confederate government turned over to us some twenty odd wagons. In the corral there were probably thirty or forty mules; a good many teams had been lent out to parties when they found we were coming there. Some of them we gathered up

afterwards. (To the court.) I should say there were from fifty to a hundred head of mule stock there, enough to run the wagons that were turned over. Farmers along the line of march from Macon to Albany had generally ox teams with which to transport grain. They had them on almost every plantation. At Vienna there had been considerable stores, but the citizens had made a raid upon them when they heard we were coming, and had taken possession of bacon and corn and stock and had scattered it. I should judge Vienna is about forty miles from Andersonville.

Cross-examined by COUNSEL:

I inspected personally the mill at Albany only. That is thirty-five miles north by rail, on the line from Albany to Macon. That is the mill that could grind five hundred bushels a day. It had two run of stones—burr stones of the ordinary size. I ascertained that they could grind five hundred bushels a day from the quantity ground there after my quartermaster took possession of the mill. I think he made a report of the quantity ground in one day, the first day, but I do not recollect. I do not recollect how much was ground the first day. It was not necessary for us to run the mill up to its full capacity. We only ran it as we needed, or as citizens needed, who brought in their grain to be ground, probably from 8 o'clock in the morning till 4 or 5 o'clock in the afternoon, sometimes till dark. I am not familiar enough with the difference in grinding wheat and corn to state how many bushels of wheat that mill would grind in a day. I should judge probably ten bushels of wheat could be ground and bolted there in an hour, with each run of stone. Each run of stone did not have a bolt with it; the bolting was done for the whole mill by one bolt. The buckets that passed the grain up after it was ground were so constructed as to pass it from both run of stone. The bolt was the length of the building except some four feet at each end. The building, I think, was forty to forty-five feet. The bolt was probably forty feet. We only made one quality of flour in it. I cannot say whether the bolt all through was of the same thickness. I never heard of a bolt that would make one portion coarse flour, one portion fine and one superfine. I never had anything to do with mills except to send grain to the mill. I should judge that this would bolt from ten to twelve bushels an hour. I am basing this calculation on the amount turned out there by the miller to the quartermaster. He has turned out, I think, as high as the proceeds of a hundred bushels of wheat that was ground in one day. It was rather difficult to tell the precise amount from the fact that we were receiving custom there. We accommodated the country farmers, who would bring in probably from 25 to 30 bushels of wheat to a load. We would not grind some for them and get a hundred bushels for ourselves. I spoke of a hundred bushels as being all the wheat ground in a day for the farmers and ourselves. My quartermaster was Captain Hunter. I have had reports from him in the same way in reference to corn-meal, but I do not recollect the exact quantity. I should think they would grind in an hour about ten, perhaps fifteen bushels. I do not know whether the mill was run up to its full capacity; that would make two hundred and forty bushels in the twenty-four hours for one stone. I meant ten bushels an hour for one stone; I should judge in both stones from twenty to thirty bushels. I cannot say precisely the amount my quartermaster reported. He has reported to me the amount he ground, and on that report I based my calculations of the amount of work the mill would do. It came up to five hundred bushels a day, as near as I now recollect from the reports I received. I have been in there and seen it coming through the spout. The spout was probably four or five inches square. The bags of salt were stored in the storehouse at Albany. There were small supplies received from the tithe gatherers. Albany was the general receiving depot for that section of country. In each

county there was a tithe agent who gathered and sent supplies in there. That was the depot for the gathering of all supplies for four counties, Baker, Doherty, Rives, and Worth.

SEPTEMBER 11, 1865.

PATRICK BRADLEY, for the prosecution:

I was in the military service of the United States in the 2d Massachusetts regiment. I was captured at Plymouth, North Carolina, on the 20th of April, 1864, and arrived at Andersonville some time in the same month. I remained there between five and seven months.

CRUELTIES COMMITTED BY WIRZ.

I saw the prisoner there. The first time I ever saw him strike a prisoner was at the south gate, where all the prisoners went in the morning for their medicine or to go out to hospital. Captain Wirz as a general thing came there as commandant of the interior to see if everything was going on right. This man asked him if he could go out, I do not know whether for medicine or what. Captain Wirz took his pistol from his side and struck the man with the butt of the pistol on the head. I think the man's name was McGowan. He belonged to my own company. He is dead and I think his name is now in the hall of the House of Representatives as a man missing. He died as fast as he could possibly die after he was struck. I think it was in June, 1864. I cannot tell exactly, as all the records that I had are with the fourth Michigan cavalry. Every man who was shot there I put down on this record, as being connected with the court which we established ourselves. Further than that I cannot recollect, because it was optional with us whether we would live an hour or a day. We therefore never took it into consideration to recollect dates. I have seen certain parties tied by their thumbs with their toes to the ground, in this position, [illustrating it.] They were tied up generally for trying to get away or for whatever the people in authority saw fit to punish them for. Captain Wirz was commandant of the interior of the prison and his name was upon the office. I never heard him order prisoners tied up by their thumbs; it was always done by subordinates; every military man knows that.

TREATMENT OF THE DEAD.

The only coffins that ever were there for the seven months while I was there I furnished myself for a comrade of mine in the seventh Pennsylvania reserves. I went out to Captain Wirz and asked him if I could have some boards to make a coffin. He was sitting at his tent door. He told me to get into the stockade, to clear in. I cannot say the precise words that he used. I came into the camp after he had forced me in, and after he had refused me the boards, and I went to work and stole some boards for that "Paddy" man from the building they were putting up as a hospital, and we made a box for him. That was the only coffin used while I was in prison. Captain Wirz's general reply to prisoners was with a pistol. His precise words when I applied to him I cannot say. He pulled out his pistol and made me go inside the camp. I did not ask him for a coffin; I asked him for boards to make a box. His answer was, as near as I recollect it, "Go in, you son of a bitch." That was threat enough with the pistol at my head.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen a man shot there. The first time I ever saw the prisoner in connection with any shooting party was at the south gate, about five feet from the dead-line. The prisoners were divided into "nineties." There had been some

mistake in some of the "nineties." The captain came to the gate and saw some of the sergeants of "nineties." It was the general rule to stop the ration of any "ninety" from which a member was missing, and the sergeants came to him in order to save their ninety men from lacking their rations. Perhaps he thought they crowded a little, and he ordered the sentinel on the outside of the south gate to fire. He repeated the order three or four distinct times. The sentry then cocked his musket and fired at perhaps what he thought the party, and he shot this man who was five feet from the dead-line. That was the first man I saw shot there. I do not know his name. I think I would know it if I heard it. It did not sound like "Ott." That was in June, I think; I cannot say what part of June. All the men that were shot from the time I went there till the time I left, I had put down. I kept a correct record of it, as being selected by the parties in public meeting so to do. I think that these records are with the fourth Michigan now. I have seen two more shot. All of the parties that I saw shot were shot on that line between the north and south gate. That was before the new stockade was built, between June and August. The next one I saw shot were further down from the stream, towards the north gate. The stockade ran between two hills, with a swamp in the middle. The other party was shot between the north gate and the stream. Captain Wirz durst not be present when the man was shot.

Q. By whose order was he shot, and under what circumstances?

A. There was no overruling power there at all. A sentry could shoot a man just when he saw fit.

The COURT. Answer the question.

WITNESS. Nor do I know how.

Cross-examined by COUNSEL:

I think I said I saw three men shot while I was there. The first one I saw shot was about five feet from the dead-line on the south side.

Q. That is the one that was accidentally shot?

WITNESS. Did I say accidentally?

The reporter, by direction of the court, read the witness's testimony on this point.

Q. Was that the first instance you saw?

A. I have sworn to it.

The second man that was shot was between the north and the south gate, a little from the dead-line, on what they called Water street. It was understood that Captain Wirz was a regular terror there, and whenever he came around everybody went into their tent except those who were making money by trading. I could not say from whom the order came, but this man was shot on Water street between the north and south gates.

Q. Was it the dead-line on the north or on the south?

A. It was what I called south, facing Florida. The new stockade was on the north.

Q. Then this man was right in the middle of the stockade?

WITNESS. Don't let me put him in the swamp as you did the other day. He was neither at north nor south; he was facing the new stockade at the left hand going in to the south gate. He was not close to the south gate going in. He was between the north and the south gates on Water street.

PRIONERS WHIPPED BY WIRZ'S ORDER.

SEPTEMBER 11, 1865.

JOHN FISHER, (colored,) for the prosecution:

I am a soldier in the United States army. I am in the eighth United States regiment. I was a prisoner at Andersonville. I was taken on the 20th of Feb-

ruary, 1864, and taken there in May, 1864. I received very bad treatment there. I was bucked and gagged, and whipped with thirty-nine lashes. I was bucked because I would not go to work. Captain Wirz ordered me to be whipped; so the man said who was in charge of the squad. He went to see Captain Wirz, and when he came back he said Captain Wirz ordered me to be whipped. He gave me thirty-nine lashes. This was in October, 1864. I was bucked and gagged at the same time. That was the only time. I have seen the prisoner there many a time. I saw him draw a pistol to shoot a prisoner named George Brown. He was going after some shovels, and could not run as fast as Captain Wirz wanted him. Captain Wirz drew his pistol and said if he did not run he would shoot him. I saw no others whipped there. I saw others after being whipped. They were Isaac Hawkins, Abe Woodward, and George Washington. That was in September. Two of them were whipped at the graveyard. I was not present when they were ordered to be whipped. I did not see them while they were being whipped. I just saw them after they were whipped. They had marks upon them of the strap with which they had been whipped. They were not badly whipped; the blood was not drawn.

Cross-examined by COUNSEL:

I was bucked only once. I was bucked because I did not go out to work. I was barefooted and naked, and they wanted me to go out to work and I would not do it. Mr. Smith went to Captain Wirz to see what he would do with me. He told him to whip me and set me to work. I did not go to Captain Wirz; Mr. Smith went. He said he did. That was about the first of October. I was outside. I remained bucked no longer than while they were whipping me. They did not take long to give thirty-nine lashes; I suppose about five or ten minutes. I was gagged at the same time. I was bucked and gagged and then stripped and whipped. I did not use any insulting language. I never said a word. I dared not say anything. That was the only time I was bucked, gagged, and whipped. I never saw any one else bucked, gagged, or whipped, but I saw them after they were whipped. I saw three after they were whipped. They were colored men. One of them was about my color and the others darker. They were whipped on the back. If I had seen the whelks upon their backs I should have thought they had been whipped if I hadn't heard anything about it. The whipping leaves upon the back the marks of the strap. I do not know whether it was the same strap they whipped me with. The strap they whipped me with was two and a half feet long, and as broad as my three fingers. I noticed eight or ten marks on the back of each of these men. That was about the first of September.

By the COURT:

This man Smith was over the working squad; in charge of the squad. He was a confederate.

SEPTEMBER 11, 1865.

HENRY C. LULL, for the prosecution:

I was in the military service of the United States; in the one hundred and forty-sixth New York regiment. I was taken to Andersonville on the 23d day of May, 1864, and left there in September, 1864.

STOPPAGE OF RATIONS.

The rations were stopped; I do not recollect the date; it was either the 3d, 4th, and 5th of July, or the 1st, 2d, and 3d of July. My rations were stopped three or four other times during my imprisonment there. They were stopped sometimes on account of men being absent from roll-call, and at other times for interfering with the rations when they were brought in. I have seen the

prisoner there. I called at his quarters one day with some two hundred others. He made a remark at that time that he heard there was a plot made to break out, and he said, "You think we haven't got bread enough to keep you. We have bread enough on hand to keep you for twenty years."

PRISONERS WHIPPED BY WIRZ'S ORDER.

I saw one colored man whipped there. I do not know his name. I think I would know him if I saw him. I do not know how many lashes he received; I think it was fifty. He was whipped for not going out to work in the morning.

THE SUPPLIES FROM THE NORTH.

I think I have seen two sanitary blankets worn by the rebel guard.

SHOOTING OF PRISONERS BY THE GUARD.

I have seen three men shot and several who were shot. I saw quite a number after they were shot; I should say upwards of fifteen. It was quite a common occurrence. The name of one of the men which I saw shot was Howard; he belonged to a western regiment; I cannot tell exactly to what regiment. He was shot on the 18th of August, 1864, in the stockade about ten yards from the dead-line. He was shot for nothing that I know of; one of the sentries shot him. He took deliberate aim at him. I did not see Captain Wirz present; this was the last man I saw shot. I think it was about the 28th of May that I saw the first man shot. I had only been in the stockade about four or five days. He was shot on the east side of the stockade. He was going down to the sink there, and in passing, as the mud was very deep, he attempted to avoid a deep mud-hole by stepping a little aside at the dead-line. There was no railing at that particular point, and, swinging his body over there to avoid a mud-hole, the sentinel fired on him and shot him in the hip. I do not know that he died. Howard was taken out to the hospital. I went with him to the gate and spoke to the doctor, asking him if it was allowed to shoot men as far inside the stockade as that. I could not get any satisfaction from him; he only said, "this man must go to the hospital." I sent a note to Captain Wirz about it; I do not know that he got the note; I sent it by the sergeant who called our roll. I never saw Howard after that. The ball struck him in the mouth. I never saw the second man after he was shot; he was taken to the hospital. The other case was at the creek: he was shot when getting water; Captain Wirz was not present. That man was shot about the middle of July; he was hit in the breast; he died there on the spot. He was not over the dead-line when he was shot. He was searching for water. The water was very greasy and muddy. He was reaching out for clear water when the guard shot him. I heard nothing said by the guard.

Cross-examined by COUNSEL:

Q. You say you saw as many as fifteen men who were shot; did you see any of them shot?

A. No, sir; I saw them after they were shot; I saw them carried out from the stockade.

Q. You do not know whether they received their wounds before going into the stockade or after?

A. No, sir; I don't.

(Upon the meeting of the court on the 12th of September, 1865, Mr. Baker presented a statement of the names of some of the most important witnesses required for the defence, together with the nature of the evidence which they are expected to give.)

SEPTEMBER 12, 1865.

FELIX DE LA BAUME, for the prosecution:

I was in the military service of the United States, in the 35th New York volunteers. I was prisoner of war at Andersonville from July 8, 1864, till April 19, 1865.

WIRZ SHOOTS TWO MEN.

I know the prisoner, Captain Wirz. On the 8th of July I arrived at Andersonville, with three or four hundred other prisoners, most of them sick and wounded. We were brought up to Captain Wirz's headquarters, were drawn up in line four ranks deep, and kept there for a considerable length of time, without any business being transacted. The guards had orders to let none of us go to the water. One of the prisoners was attacked with epilepsy or fits; he fell down; some of his friends or neighbors standing near him ran down to the creek after water. I don't know whether they had permission of the guard; I suppose so, bucause the guard was tied up by the thumbs for permitting them to do so. First I heard a shot fired, without seeing who fired it. After hearing that shot fired I looked down to the left and I saw Captain Wirz fire two more shots, wounding two men. One of them was carried up near his headquarters, and in my opinion was in a dying condition. The other was wounded too, but I did not see him again. I never saw him afterwards. The one who was carried up near the headquarters was wounded somewhere in the breast. Captain Wirz had a revolver in his hand. I was perhaps twenty paces distant from him. I am not positive about the distance. The prisoner whom he shot was not very far from him. I am certain I saw Captain Wirz discharge the pistol in his hand. I did not myself see the man who was brought up to headquarters die; but he was evidently in a dying condition, judging by his appearance; I never saw him again. We were not allowed to speak to the guard, and I could not make any inquiries. Captain Wirz asked the lieutenant of the guard, "Where is the guard who allowed this man to fall out of the ranks." The guard was pointed out, and Captain Wirz ordered him to be tied up by the thumbs for two hours. After this Captain Wirz pointed out the man, and said, "That is the way I get rid of you damned sons of bitches." I myself saw the man fall down; he had epileptic fits, and I was informed that the men ran after water for him. We had not received any water all night; they kept us all night in the cars; on the way down from Macon to Andersonville we had no water. When we passed the creek we wished to get some water, but we were not allowed to have any. We were kept there at the headquarters of Captain Wirz for about two hours, without receiving a drink. We were then divided into squads and transported into the stockade. I was taken out with four other men to be put into the 71st detachment, and was shortly afterwards taken away from the headquarters into the stockade. All I can state as to whether the man died from that gunshot wound is that he was in my opinion in a dying condition; I judged so from his heaving up and down and from his gasping for breath. I have seen many men on the battle-field in the same condition, and they always died shortly afterwards. The blood was running out from his breast or the middle of his body somewhere. All I heard about it afterwards was from a rebel sergeant; I think his name was Colby; he said the man died; he told me that some time after I was in the stockade.

CRUELTIES COMMITTED BY WIRZ.

In the month of December, 1864, when it was so very cold, we did not receive any wood in the hospital. I obtained sometimes a pass from Edward Young, who was chief cook there, and from Jim Lane, who was also a cook; they were

Federal prisoners. On those passes I used to go outside of the hospital enclosure to gather up some wood, so as to have some fire in the tent where I stopped. Going out one day, I saw a man named Edler, a private in the 39th New York volunteers, who was captured on the 6th of February near Martinsburg. I saw him tied, with an iron collar round his neck, to a post. As I had the pass of another man, which was always punished when it was found out, as soon as I saw Captain Wirz standing near him I went off, so as not to be captured myself, because if Captain Wirz had found out that I had the pass of another man he would have punished me too. I heard this man Edler say something to Captain Wirz, whereupon Captain Wirz said, "One word more, and I will blow your damned brain to hell," holding a pistol towards his head. I have drawn a representation of that scene. (A drawing being exhibited to witness:) I draughted this from recollection. This figure represents a guard standing over the man. That is a true representation. There was a guard, a captain, and some other man. I only represented one guard, but there were some more rebels about there.

(The drawing was then placed in evidence.)

The man was afterward sent back to the hospital, of which he was an inmate. As he belonged to my regiment I took an interest in him, and as soon as he came back to the hospital I went to his tent to make inquiries, but his neck and his tongue were so much swollen that he was unable to speak, and was evidently in a dying condition. The nurse, named Butsell, told me that the man was punished for having gone out on a forged pass. The man died two or three days afterward; I only visited him once while in that condition; the second time I went there he was dead; I cannot say whether the swollen neck and tongue still continued. The first time I was there his neck and tongue were very much swollen; when I came there again he was dead. I don't think he died from the effects of that iron collar round his neck alone; if he had been a stout, healthy man, he might have stood it; but he was very far reduced already, almost to a skeleton, by starvation, before he was put in the irons. His neck or tongue was not swollen before he was put in the irons. He was able to speak before he was put in the irons. This circumstance happened near the end of December, 1864, after Christmas. I have seen men bucked and gagged. In going out on these passes of which I have spoken, I had several opportunities of seeing men bucked and gagged. I have drawn a representation of the front and side views of that bucking and gagging operation. (A drawing being exhibited to witness:) That is a correct representation. I drew it from my recollection. One of the figures here represents a sentry standing over the man. The other person standing by was one of the rebel sergeants.

(The drawing was then placed in evidence.)

MEN BITTEN BY THE DOGS.

I remember about the hounds. In the month of September, 1864, I was allowed to go out after wood. At that time Captain Wirz allowed squads of twenty-five to go out after wood about a mile distant from the stockade. At that time I myself was not able to carry any wood, but I availed myself of the opportunity to go out to have some fresh air. I went out with a man named Louis Holm, of the 5th New York cavalry; we were both starved; we had had nothing to eat in consequence of being unable to cook our meal which we received. When we came out Holm made a proposition to me that we should hide ourselves and try to get away from the guard and go to some farm to obtain something to eat. We were too weak to run off; we did not intend to run off or "skedaddle," because we could not walk far; but we wished to obtain some food from some of the farmers; we always heard that the farmers around there were good Union men, and always aided our prisoners whenever they could do so without being

detected. Holm and I hid ourselves in a very large tree in a kind of a mud-hole among the bushes, and remained there for over an hour; then we heard the dogs bark. An old Indian had once told me that in case of being overtaken by blood-hounds I should pretend to be dead and the hounds would not attack me. So I told Holm to remain quiet in the bushes and not make any noise, but he was so much frightened by the dogs that he tried to get up a tree so as not to be torn to pieces by them. While he was trying to get up the tree the dogs came up and caught hold of him by one of his legs, biting quite a large hole. I have drawn a representation of that scene. (A paper being shown to witness:) That is the drawing; the man climbing the tree represents Holm, and I am represented lying under the tree. That represents the character of the dog; it was a dog looking like this. My comrade was torn by the dogs very badly; we were brought in by a sergeant and by the men who had the dogs. At that time they had only two dogs out and one of them captured us. They brought us in to Captain Wirz's headquarters, and one of the sergeants—I don't remmember his name—spoke a few words for me and the other man. Captain Wirz did not punish us, but sent us back to the stockade and gave orders to the sergeant of the detachment not to let us go out any more.

THE CHAIN-GANG.

I have noticed persons with ball and chain attached to them. I saw one man in the stockade in the month of August, 1864; the south side of the stockade was where I saw him first. He was insane, for I asked him why he had the ball and chain on, and he told me that he was Samson and they wanted to try his strength. He was a lunatic. I have drawn a representation of that man as confined with the ball and chain. (A drawing being shown to witness:) That is my representation. (The drawing was then placed in evidence.)

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen a great many men shot in the stockade near the dead-line, inside the dead-line; I mean between the dead-line and the inner stockade, having crossed the dead-line, between the dead-line and the inner stockade. There was a man of my company named Le Vois, a Frenchman, who was robbed in Richmond of his gold watch and chain and all his jewelry, in consequence of which he became insane. A few days after coming to Andersonville, he went inside the dead-line near the gate of the north side. He opened his shirt and called on the guard there, who was an old man, to shoot him, saying that he wanted to be killed. The old guard, who was a very sensible man, told him to go out of the dead-line and hallooed to some of his comrades, telling them to call him out; but he would not come out, and we were all afraid to go inside the dead-line to bring him out. He went to the next guard, and the next guard shot him, killing him instantly. The guard who killed him was a young boy, about 15 or 16; and he said to the old guard, "If I had not killed the Yankee son of a bitch, I would have reported you to Captain Wirz for not shooting him; but I am satisfied; I now get my furlough." This occurred in the month of August 1864, in the first part of the month, I believe. When we were there we did not know one day from another, and I cannot state the day definitely. I know positively of two whom I myself saw killed on the dead-line by the sentries; one was Le Vois, and another was a corporal of the 125th New York; I do not know the name of the corporal. Le Vois belonged to company E, 39th New York veteran volunteers. I know the corporal that was killed belonged to the 125th New York volunteers. I had seen him before, because his regiment belonged to my brigade. He was killed while reaching under the dead-line for clean water; I do not know to what company he belonged.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I left Andersonville finally April 19, 1865; we were once before taken away as far as Thomasville, for the purpose of exchange, but we had to return. It was the 4th of April when we left there the first time. On coming to Andersonville, I had no shelter whatever. In Richmond everything of value had been taken from me, my watch and chain, $250 in greenbacks; everything was taken from us; we had to strip ourselves as far as to the shirt. The provost marshal in Richmond with several of his men searched us and took everything away from us. Coming to Andersonville I had no blanket or anything of the kind; I was put in the stockade and had to lie down and sleep wherever I could find a place; it was very difficult to find a place even in the sand and mud to lie down and sleep without being trampled on. I was in the stockade until the 1st of November, when I was admitted to the hospital; I was not in the stockade after November. I could from the hospital look upon part of the stockade—not all of it.

THE RATIONS.

When I first went to Andersonville we received corn-meal, of which this is a sample, (exhibiting a specimen.) That is a part of one of my rations which I brought away with me. We received as much as a pint, sometimes a sanitary cup-full. This is not one ration, only the balance of one, a very small portion. I think the difference between a pint and a sanitary cup-full is that a sanitary cup contains a little more than a pint. We had no wood whatever. I received this meal and some bacon, about two ounces of bacon, a day. Most of the time I was obliged to eat that meal raw, mixing it up with water and some salt if we had any. We received every three or four days three teaspoonfuls of salt. I was obliged like thousands of others to eat that meal and that bacon raw. Men who had money could buy for 25 cents enough wood to cook a cup of coffee or mush. I do not remember what was the ration of wood for a detachment of 90. I was in the 71st detachment and twice received wood. The first time I received a stick about as long as my arm; the second time I got a stick about the same size, perhaps a little larger; that was during all the time I was in the stockade; from July 8 till November 1; I twice received wood furnished by the confederate government. The quantity I have described was the quantity furnished to me. Later, in the months of September and October, we were sometimes allowed to go out for wood, but then I was too weak and could not carry anything. My usual weight is 150 to 155 pounds; when I came to Hilton Head, from Andersonville, on the first of May, I weighed myself and I weighed 98 pounds. I was a mere skeleton walking on crutches; I had been wounded. There was one instance in which Captain Wirz showed a kind of humanity, and I think that I should mention it as well as his acts of cruelty. On the 19th of April, when I left Andersonville to go to be exchanged, the quartermaster had furnished us with rations of pork, which was all rotten. Captain Wirz found out that the meat which the quartermaster had put in the cars for the prisoners was stinking and rotten, I heard him say, "I don't want to be humbugged by any one; I want you to give these men good fresh meat and take out that rotten meat." The quartermaster had to take out the rotten meat and furnish us with good fresh meat, and we got a very good ration too.

TREATMENT OF THE SICK.

The first time I came into the stockade I received no treatment whatever for my wound, but afterwards, when I went into the hospital, Dr. Bates, who was always kind to all the sick, took, especial interest in me because I had studied medicine myself; he did all in his power for me, and I think I owe my life only

to his favor and care. I did not hear any complaints or representations made to Captain Wirz in regard to the treatment of prisoners. When I went there he took our names and counted us off. I showed him my leg and told him that my wound had not been dressed since I left Richmond, and I wished he would let me have some simple cerate and a bandage before I should go into the stockade. He did not give me any answer, but asked me my name. When I had told him my name he said: "You God damned Frenchman, what the hell business had you to fight against us?" He refused to give me anything for my wound. I did not receive anything. He went forward taking the rest of the names. The man next to me was a German; and when he gave his name Captain Wirz said, "I'll be damned if I don't send every one of you to hell." That was before I was put into the stockade, on the 8th of July, in the forenoon about 11 or 12 o'clock.

STOPPAGE OF RATIONS.

Our rations were cut off on the north side of the stockade, the beginning of August or end of July; I am not positive; I had only been in the stockade a short time. The reason for doing this was there was a plan formed under the direction of one of our officers, a federal officer who was there in disguise, or who had given his rank as a private, and in consequence was in the stockade. This officer, with several others, formed a plan for escaping, and one of the prisoners—one of our own men—reported they were about to break out. The police who had been instituted there caught hold of the traitor and took him to the police headquarters, shaved half his head, and put a placard on his breast and one on his back with the word "traitor;" then six policemen took him in their midst and marched him round the camp, calling out that he was the traitor who had betrayed our plan. Captain Wirz afterwards took the man out and came in and wanted to have the men given up who had shaved the man's head. The man was not given up and Captain Wirz said he would stop the rations until the man was given up. We did not receive any rations for two full days. The third day in the afternoon two policemen reported themselves as the parties who had shaved the man's head, and we received our rations again. I know that the man who betrayed us was taken out of the stockade; that is all I know. I do not know what was done with him. Captain Wirz came in there with a guard and took him out; I do not know whether he showed him any favor afterwards. I know something about the prisoners being compelled by hunger to eat anything not proper to be eaten. They caught rats; they were a very great delicacy; in the hospital particularly. I have seen the prisoners eat rats. In my tent two of my companions caught rats and slaughtered them, and I ate them myself. That was in December, 1864, and January, 1865. Afterwards Dr. Bates took charge of our division, and he managed so that we got more to eat, and we gave up the business of catching rats.

TREATMENT OF THE SICK.

Cross-examined by COUNSEL:

I left the stockade and went into the hospital November 1, 1864; I had no duties whatever in the hospital; I was so sick that I had to be carried to the hospital; I had *scorbuts* and, besides, my wound was not healed; I was wounded in the left leg; I was not able when I first went to the hospital to go without crutches; I had to crawl on my hands and feet; there were no crutches; I might have walked on crutches if I had had any, but I had none.

THE CHAIN-GANG.

I saw the man with the ball and chain in August in the stockade; I think the middle part.

CRUELTIES COMMITTED BY WIRZ.

I saw men bucked and gagged in the months of January and February, 1865; no, I think it must have been later; it was very shortly before we left there, that I went outside; it was in the latter part of February; it was after the 20th. It was before the first of March; I was out in the month of March too. When I went to the hospital I could hardly walk. Afterwards I got better, and crawled out, having one stick and one crutch, which I got from a nurse. When we left Andersonville, we were transported down to Albany on the railroad. We were exchanged. I was delivered into our lines at Jacksonville, Florida. I was never sent to a prison at Thomasville. I was not put in prison there. I passed through there. The first time I stayed there two days, and the second time about a day and a half. I went back from Thomasville to Andersonville in one of the army wagons. I did not march. On the 4th of April, when I left Andersonville for the first time, we were transferred from there to Albany, on the railroad, and from Albany to Thomasville. All those who were unable to walk were transported in army wagons. On the 12th or 14th of April I came back again to Andersonville from Thomasville. I was at Thomasville twice. The second time I passed through Thomasville, perhaps on the 23d or 24th of April, to go from there to Jacksonville. I think it was in the latter part of February, 1865, that I saw the bucking and gagging. The man was named Hennessey. I made the drawings which have been shown to me this morning, here in Washington, since I have been summoned here as a witness. I made some while I was at Andersonville, but these are not the ones. I made these form memory only.

MEN BITTEN BY THE DOGS.

I said the man was bitten by the dog in the leg; I cannot say which leg. I think it was the left.

CONDITION OF THE PRISONERS IN THE STOCKADE AND THE HOSPITAL.

SEPTEMBER 12, 1865.

Rev. WILLIAM JOHN HAMILTON, for the prosecution:

I am pastor of the Catholic church in Macon, Georgia. I visited Andersonville three times. It was one of the missions attached to my church. I went there, I think, in the month of May, 1864, and spent a day there. The following week I went and spent three days there among the prisoners, and then returned, and wrote a report on the condition of the hospital and stockade to my bishop, in order that he might send the requisite number of priests to visit the prisoners there; and I visited it again after the prisoners had been removed from Andersonville to Thomasville. I do not remember the month that occurred. It was in the beginning of this year, in the month of February or March, 1865.

Q. State to the court in what condition you found the stockade when you first visited it, and subsequently, and all the time while you were there.

A. The first time I visited the stockade I only had about three or four hours to spend there. I merely went to see what the condition of the place was. My principal object was to find out, if possible, the number of Catholics who were prisoners there, in order that we might induce the bishop to send a sufficient number of priests. I did not pay much attention to what I saw or heard there then. The following week I returned, and spent three days. I visited the stockade and the hospital, discharging my duties as a priest of the Catholic church. On this my second visit to the stockade, I found, I think, about 23,000 prisoners there; at least the prisoners themselves told me there were that number. I found the place extremely crowded, with a great deal of sickness and

suffering among the men. I was kept so busy administering the sacrament to the dying, that I had to curtail a great deal of the service that Catholic priests administer to the dying, for the reason they were so numerous—they died so fast. I waited only upon those of my own church; they were the only persons who demanded my ministrations. When I speak of the number dying, I mean among those of my own church, and do not include others.

Q. Give the court some idea of the condition of the stockade.

A. I found the stockade extremely filthy; the men all huddled together, and covered with vermin. The best idea I can give the court of the condition of the place is, perhaps, this: I went in there with a white linen coat on, and I had not been in there more than ten minutes or a quarter of an hour, when a gentleman drew my attention to the condition of my coat. It was all covered over with vermin, and I had to take my coat off and leave it with one of the guards, and perform my duties in my shirt-sleeves, the place was so filthy.

Q. State to the court any particular case which came under your notice that would help to illustrate the condition of things there.

A. That is about the only idea I can give of the stockade.

Q. State any particular case you observed showing the destitution of the prisoners.

A. The first person I conversed with, on entering the stockade, was a countryman of mine, a member of the Catholic church, who recognized me as a clergyman. I think his name was Farrell. He was from the north of Ireland. He came over towards me, and introduced himself. He was quite a boy; I do not think, judging from his appearance, that he could have been more than sixteen years old. I found him without a hat, and without any covering on his feet, and without jacket or coat. He told me that his shoes had been taken from him on the battle-field. I found the boy suffering very much from a wound on his right foot; in fact the foot was split open like an oyster; and, on inquiring the cause, they told me it was from exposure to the sun in the stockade, and not from any wound received in battle. I took off my boots, and gave him a pair of socks to cover his feet, and told him I would bring him some clothing, as I expected to return to Andersonville the following week. I had to return to Macon to get another priest to take my place on Sunday. When I returned, the following week, on inquiring for this man Farrell, his companions told me he had stepped across the dead-line, and requested the guards to shoot him. He was not insane at the time I was conversing with him. It was three or four days after that when I was asking for him. I think it was the latter part of May, 1864. To the best of my recollection his name was Farrell. I do not know to what company or regiment he belonged. I did not ask him. When I speak of administering the sacrament of the church to those dying, I refer to those in the stockade, and in the hospital also—in both places. I spent two days in the stockade and one in the hospital during my second visit to Andersonville. This case that I have spoken of occurred in the stockade. He had no medical treatment at all. None of those who died in there, and to whom I administered the sacrament, received any medical treatment at all, as far as I could see. When I went in the hospital I found it almost as crowded as the stockade was. The men were dying there very rapidly, from scurvy, diarrhœa, and dysentery; and, as far as I could observe, I could not see that they received any medical treatment whatsoever, or received any medicines at all.

Q. How were they situated as to beds or bedding?

A. They were all in tents; the hospital was composed of tents arranged in avenues, and I did not see that they had anything under them at all except the ground; in some cases I think that they had dried leaves that they had gathered together. In my ministration while at the hospital, I saw one surgeon there—the surgeon in charge there at that time, Dr. White.

Q. State the circumstances.

A. I was attending an Irishman, I think, by the name of Connor, who was captured at the night assault made on Fort Sumter; at least I think he told me so. He was captured in Charleston harbor, and he was in the last stage of dysentery. He was so bad that I had to hear his confession and give him the rites of the church sitting upon a stool. While I was hearing the man's confession, Surgeon White passed through the hospital, and seeing me whispering to the prisoner and not knowing, I suppose, who I was, ordered the guard to bring me up to his quarters under arrest. I went up there and he apologized for having done so; he having in the mean time inquired of Captain Wirz who I was, and the captain having told him that he had given me the necessary pass. I conversed with Dr. White with regard to the condition of the men, and he told me it was not in his power to do anything for them; that he had no medicine and could not get any, and that he was doing everything in his power to help them. That was the only time I ever met a surgeon there. Captain Wirz gave me the pass. I first called upon Colonel Persons, who was the officer in command at Andersonville, and he referred me to Captain Wirz, and Captain Wirz gave me a pass and gave me every facility in his power to visit those men. He walked down to the stockade with me and showed me the entrance. That pass held good only for that day. That was the first day I went there. It was renewed afterwards by Captain Wirz. It continued for the three days I was there. I did not have it renewed afterwards. I did not visit Andersonville again until the prisoners had been removed to Thomasville. That was the beginning of this year.

Q. Was Captain Wirz in command?

A. I did not see him. I have a mission below Andersonville, at a place called Americus, and I was going down there to give the people an opportunity of performing their religious duties. I stopped at Andersonville, intending to pass the night there if there were any prisoners still left there, but was told at the depot that the prisoners had all been removed, so I did not go up to the stockade. I do not know if there were any prisoners there or if Captain Wirz was there.

Q. What did you observe with regard to shelter in the stockade and the suffering of the men from heat there?

A. When I visited the stockade there was no shelter at all so far as I could see, except that some of the men who had their blankets there had put them up on little bits of roots that they had abstracted from the ground; but I could not see any tents or shelter of any other kind. I got the names of several prisoners who had relatives living in the south and wrote to their friends when I returned to Macon, and I had some tents introduced there; they were sent down, and the men received them.

Q. Can you illustrate to the court the condition of the prison, by stating any instance where you tried to make your way through the crowd to a prisoner who was dying?

A. Yes, sir; during my second visit to the prison, I was told that there was an Irishman over at the extreme end of the stockade who was calling out for a priest. I suppose he had heard that I had visited the prison the day before, and he was very anxious to see a priest, and was calling for one all over the stockade. There is a branch that runs right in the centre of the stockade, and I tried to cross the branch, but was unable to do so as the men were all crowding around there trying to get into the water to cool themselves, and wash themselves. I could not get over the branch, and had to leave the stockade without seeing the man. The heat there was intolerable; there was no air at all in the stockade. The logs of which the stockade was composed were so close together that I could not feel any fresh air inside; and with a strong sun beaming down on it and no shelter at all, of course the heat must have been insufferable; at least I felt it so.

Q. How did it affect the priests on duty there?

A. The priests who went there after me, while administering the sacrament to the dying, had to use an umbrella, the heat was so intense. Some of them broke down in consequence of their services there. In the month of August, I think, we had three priests there constantly. We had a priest from Mobile who spoke three or four languages, inasmuch as you could find every nationality inside the stockade, and two from Savannah, and we had one from Augusta at another time. One of the priests from Savannah came to Macon, where I reside, completely prostrated, and was sick at my house for several days.

There were saw-mills in that vicinity along the railroad. I do not remember if they were near to Andersonville. I used to visit Albany, which I suppose is thirty or forty miles below Andersonville, once every month. It was my duty to go there that often, and I used to see saw-mills along the railroad in operation. I have heard that the prisoners proposed to cut wood for themselves. I have heard prisoners say so themselves. I did not keep an account of the dying men I used to attend per day to administer the last sacrament, but judging from the hours I was engaged and what I know to be the length of the service, I suppose I must have attended from twenty to thirty every day; sometimes more and sometimes less. That was about the average number—between twenty and thirty.

Q. Can you speak more particularly as to the bodily condition of those inside the stockade, their clothing and the appearance of the men?

A. Well, as I said before, when I went there I was kept so busily engaged in giving the sacrament to the dying men that I could not observe much; but of course I could not keep my eyes closed as to what I saw there. I saw a great many men perfectly naked, walking about through the stockade perfectly nude; they seemed to have lost all regard for delicacy, shame, morality, or anything else. I would frequently have to creep on my hands and knees into the holes that the men had burrowed in the ground and stretch myself out alongside of them to hear their confessions. I found them almost living in vermin in those holes; they could not be in any other condition but a filthy one, because they got no soap and no change of clothing, and were there all huddled up together.

I never at any time counted the number of dead bodies being taken out of the stockade in the morning. I have never seen any dead carried out of the stockade. I have seen dead bodies in the hospital in the morning. In the case of the man in the hospital of whom I was speaking a while ago, after I had heard his confession, and before I gave him the last rites of the church sacrament in "extreme unction," as we call it, I saw them placing the night guards in the hospital, and knew that I would not be able to get out after that. I told him that I would return in the morning and give him the other rites of the church, if he still lived. I was in there early the next morning, and in going down one of the avenues I counted from forty to sixty dead bodies of those who had died during the night in the hospital. I had never seen any dead bodies in the stockade. I have seen a person in the hospital in a nude condition, perfectly naked. They were not only covered with the ordinary vermin, but with maggots. They had involuntary evacuations, and there were no persons to look after them. The nurses did not seem to pay any attention whatever, and in consequence of being allowed to lie in their own filth for some hours, vermin of every description had got on them, which they were unable to keep off them. This was in the latter part of May. I never noticed in the stockade the men digging in the ground, and standing in the sand to protect themselves from the sun. I did not see any instance of that kind. I have seen them making little places from a foot to a foot and a half deep, and stretching their blankets right over them. I have crawled into such places frequently to hear the confessions of the dying. They would hold from one to two; sometimes a prisoner would share his blanket with another, and allow him to get under shelter.

Q. Father HAMILTON, the law protects you from disclosing the confessions made to you, and of course I will not ask you for anything of that sort, but if there were any confessions made to you at the time of the death of prisoners of war with regard to the cause of death, that you feel authorized to state, I would like to have you state them to the court; at the same time you have the privilege of declining.

A. Of course I could not in conscience answer that question, inasmuch as by others it might be construed into a violation of the seal of confession, which is regarded by Catholics as one of the most sacred and divine institutions of our religion. I do not mean to say that the court would take any advantage of it, but my testimony will go before the country, and by outsiders it might be construed into a violation of the secrecy of a sealed confession; for that reason I respectfully beg leave not to answer that question.

THE REBEL AUTHORITIES ADVISED OF THE CONDITION OF THE PRISONERS.

When I returned from the stockade after my second visit to it, at the latter end of May, I represented these things to General Cobb. I wrote to our bishop and told him that these men were dying in large numbers; that there were many Catholics there, and that they required the services of a priest, and he sent up Father Whelan. Father Whelan expressed a desire to see General Cobb before he went down to the stockade. I called upon General Cobb and told him that I had been there, and gave him a description of the place as well as I could, and he asked me what I would recommend to be done, as he intended to write to Richmond with regard to the condition of that place. After I found out from his conversation that nothing more could be done for the bodily comfort of the men, owing to the stringency of the blockade, and so forth, I advised him to parole those men upon their own word of honor, and take them down to Jacksonville, Florida, and turn them into the federal lines. Whether that recommendation was acted on or not I do not know; he asked my opinion and I gave it. At that time, when I told him of the condition in which I found things there, it was known to the whole country, for it was published in the newspapers in the south. I do not know about its being common talk and rumor throughout the confederacy. I am only speaking about Macon and southwestern Georgia. The whole of southwestern Georgia is included in my mission, and I know that the condition of the prison was well known in Macon and throughout southwestern Georgia. I do not remember that I made any suggestion with regard to shelter at the time I had this conversation with General Cobb; it is very probable that I did. I cannot recollect whether he said anything about it or not.

Q. Do you remember whether he stated that he had written to Richmond or that he was about to write to Richmond to represent the condition of things at Andersonville?

A. When he asked me to give him a description of the condition of the place, he remarked, I think, that he was going to write and wished to have some information from me on the point. He remarked also that he would like me to give him a description, because he knew the relations that existed between the Catholic priest and the members of his church, and that they would be more unreserved in communicating with me than with others.

WIRZ ANXIOUS TO HAVE THE PRISONERS TAKEN CARE OF—HE PLACES NO RESTRICTION ON TAKING THINGS INTO THE STOCKADE.

Cross-examined by COUNSEL:

I first went to Andersonville about the middle of May, 1864. I only stayed at that time about five or six hours. The train left Macon at half-past eight in the morning, and got to Andersonville about half-past one in the afternoon. I

remained there until about five or six o'clock in the evening, and then took the freight train down to Americus. I visited Andersonville the second time the following week, toward the latter end of May. I stayed at that time three days. I did not visit it after that, not until the prisoners had been removed to Thomasville. I saw Captain Wirz the first time I went there. He received me with all kindness and politeness, and seemed to be pleased at my going there when I stated my purpose. I had never seen him before. I had no introduction to him more than I made myself. I told him who I was—that I was a Catholic priest come there to visit the prisoners, to find out if possible the number of Catholics there, and that I had been directed to call on him by Colonel Persons. I called on him the same as any other stranger might call on him. As well as I can remember, he said he was very well pleased to see me, and that he had expected priests would have gone there before that time. I think he had said something to the effect that he was anxious to have care and attention given to the prisoners. His action towards me showed that, and if I am not mistaken he told me so. The only time I ever conversed with Captain Wirz or saw him was when I went for my pass. I had two passes and went to Captain Wirz for them on both occasions, and those were the only times that I either saw him or conversed with him. I never met him inside the stockade or was with him there. I met him always in his office. There was no restriction upon me whatever in regard to my taking with me anything I chose into the stockade. I could take anything at all, money, clothing, or anything of that sort. I did not while I was there hear of any restrictions placed upon others to prevent them from taking in anything they chose for the relief of the prisoners.

The JUDGE ADVOCATE. I suppose, Mr. Baker, you adopt this witness as your own. Nothing was said in the direct examination in regard to taking things into the stockade, and you know the ruling of the Court on that subject. This is one of your own witnesses and you can call him hereafter.

Mr. BAKER. If so, how comes it that you are examining him now?

The JUDGE ADVOCATE. I should think that the tale he has told would sufficiently answer that question.

Mr. BAKER. Is this one of our witnesses who has been willing to testify for the prosecution?

The JUDGE ADVOCATE. I will ask you, Father Hamilton, whether you gave your statement to me willingly at the time you were examined preliminarily?

WITNESS. Certainly, sir.

Mr. BAKER. Were you brought here as a witness for the government?

WITNESS. I do not know. I was summoned.

Mr. BAKER. Did you go and proffer your statement to the judge advocate?

WITNESS. No, sir.

Mr. BAKER. How came you then to give it to him?

WITNESS. I came up hear to the court-room to report myself. I was a little behind time owing to the other clergyman who was with me being taken sick. When I reported myself, Colonel Chipman, the judge advocate, requested me to come here the following morning. I came up and he examined me privately at this desk.

Mr. BAKER. Then you gave your testimony by his request?

WITNESS. Certainly; he requested me to come up the following morning.

Mr. BAKER. You had no desire to give your testimony for the government?

WITNESS. None whatever.

The JUDGE ADVOCATE. What does all that amount to? If you doubt me we will settle it in some way. I think we have heard enough of this.

Mr. BAKER. You stated that our witnesses gave their testimony willingly for the prosecution.

The JUDGE ADVOCATE. I should think you might be content with the statement of the witness when he says he gave it willingly.

Mr. BAKER. There must not be a wrong impression left by statements that our witnesses go up to the government willingly and give their testimony. We have a right to disprove that.

The JUDGE ADVOCATE. I insist that you do not annoy me further upon this point.

Mr. BAKER. Then you must not broach the subject.

CONDITION OF THE PRISONERS IN THE STOCKADE AND THE HOSPITAL.

Cross-examination resumed:

Of course I could only offer my opinion to the court as to the causes of the death of those prisoners that I saw dying in such numbers I did not see any die from long-standing wounds either in the stockade or the hospital. I do not remember that I attended any who died from wounds. I have seen them dying from scurvy, but not from gunshot wounds. I have seen them dying from diarrhœa and from dysentery—from no other complaints or causes. Those were the prevailing complaints among the prisoners while I was there. I know only the case I mentioned, of any one being shot or dying from wounds recently received, the case of Farrel, and I did not see him shot. All I know about that is, some one said he was shot.

Q. Give us the names of the priests who attended at Andersonville besides yourself.

A. Father Whelan was there, a priest from Savannah, and Father Clavreil, a French clergyman from Savannah; also Father John Kirby, of Augusta, and Father Hosannah, a Jesuit from the Spring Hill college, near Mobile. Father Kirby, of Augusta, remained there two weeks, I think. They did not remain most or all of the time during the summer months. Father Whelan remained there for four months constantly, and the others left after a stay of two or three weeks. I never knew of any restrictions whatever being placed on them, or any unkindness shown towards them by Captain Wirz or by Surgeon White. Surgeon White did not seem to manifest any desire to annoy me in my duties when he ordered me to be brought to his headquarters. He apologized as soon as I entered his office. I had a white coat on at the time he saw me, and I suppose he did not recognize me as a Catholic clergyman in that garb. He did not seem to have a desire to prevent me from doing any good that I could do. That was the only time. I am not aware of his desiring to prevent me from giving anything I chose to the prisoners. That was the first and the only time I ever saw him.

Q. Did Captain Wirz express to you at any time a wish that he had more for the benefit and comfort of the prisoners?

(Objected to by the Judge Advocate and the question withdrawn.)

The nurses spoken of in the hospital were federal prisoners; they seemed to pay no attention to the sick. I could see them moving around the tents; I did not discover that they were disabled. I saw them walking through the avenues and around the tents there. They could have contributed something to the comfort of the sick if they chose, but it did not seem to me that they did.

THE REBEL AUTHORITIES ADVISED OF THE CONDITION OF THE PRISONERS.

I think there are three papers published at Macon, or were there at that time. I remember reading articles in them relating to the Andersonville prison, particularly in reference to it, describing the condition of the place. I do not think those articles appeared very frequently; I have read at least two, perhaps three. They gave an idea or correct impression to the public of what I really found there myself. It was an accurate description of the place, so far as I could judge from what I had seen myself. They gave the condition of everything.

The design or object of the articles seemed to be to excite the sympathy of the people, I should think. I could not say what time in May those articles appeared—before I went to Andersonville and after I returned; one article appeared before I went there and one or two after I returned. My interview with General Cobb took place about the 1st of June. I went with Father Whelan, to introduce him to General Cobb. That was not before I went to Andersonville the first time; I had been there twice. I think it was about the 1st of June that Father Whelan came up to go to Andersonville. General Cobb expressed no determination to have the state of things remedied immediately. I do not think he had power to do so; in fact Father Whelan went to him for the purpose of obtaining a document stating who he was. General Cobb said "he could not give him any such pass as that, but he would give him a letter of introduction to General Winder," which he did; he wrote the letter in our presence. I do not know if this was about the time General Cobb went to Andersonville himself; I know he had not been there at that time.

The WITNESS, by permission of the court, here made the following statement:

In the course of the proceedings of the court the other day, the judge advocate stated that Father Whelan and I were chaplains at Andersonville, and that of course has gone forth to the papers. I wish to state, that it may be contradicted publicly, that we were not chaplains at Andersonville; we never held any commissions from the confederate government and received no remuneration for our services. We offered our services gratuitously and voluntarily, but we were not chaplains. I wish to make a further statement, with the permission of the court. I have now been in Washington for nearly two weeks and have been extremely well treated by the clergymen of this city. Captain Wirz, in writing his letter to the court soliciting spiritual attendance, seemed to throw an imputation upon the Catholic clergymen of this place which I consider it my duty to remove. He said that since he came here he had not had an opportunity of practicing his religion. The Catholic clergyman with whom I am stopping, Father Boyle, called upon him, giving him money, books, and clothing, and if he had felt desirous at that time of performing his duties as a Catholic, he could have done so. I do not mean that the prisoner intended anything of the kind, but it might be construed into something of the sort, and I feel bound to clear Father Boyle of any imputation of neglect of duty in that way.

The PRESIDENT. Is the prisoner a member of his church?

WITNESS. I did not know he was a Catholic till Father Boyle told me so. Father Boyle is one of the resident priests of Washington.

Mr. BAKER. I will state on behalf of the prisoner that he had no thought of casting that imputation on Father Boyle or the clergymen of this city. He tells me that he has seen Father Boyle twice at the office.

SEPTEMBER 12, 1865.

CHARLES E. TIBBLES, for the prosecution:

I have been in the military service of the United States, in the 4th Iowa infantry. I was a prisoner at Andersonville. I went there on the 28th of March, 1864, and escaped on the 7th or 8th of September.

THREATS OF WIRZ.

We were taken there in the night. It was very dark and rainy. The captain ordered us to report at the same place at 9 o'clock next morning; we did so; we formed in line in two ranks, and were counted off; we were then ordered to stand in line until the whole of the prisoners were counted off—all the men in the prison; we did so. We were in line about two hours. I think there

were only some six thousand there at that time. I presume we were kept there until all were counted; we all dispersed at the same time. I do not know whether Captain Wirz had been engaged in counting before that time. I know Captain Wirz personally. The next morning after we went there a man walked along the front of our line, about ten feet from the line. Captain Wirz turned around and saw him and caught him by the throat. He drew his pistol and told him he would blow his damned brains out if he did not keep away. I also saw him draw his pistol on several other men. I never saw him shoot anyone.

CONDITION OF THE PRISONERS IN THE STOCKADE.

At the time we went into the prison the men were almost skeletons. We thought that night that they were all negroes. Some of our party said, "What poor negroes! what a shame to use them so badly!" It was a dark, rainy night, and we went up to some of their fires. They ordered us away. They appeared to have no feeling for any one except themselves. They would not let us stay close to the fire. These were our own comrades. They said they were their fires and that we could not stand by them, and they drove us away. I staid there about three weeks. I think our rations, when I first went there, were a pint of meal and four ounces of meat. This was reduced to half a pint of meal after I had been there three or four weeks. About the time it was reduced I was put on detached service, on the police squad, and I got double rations. But although I got double rations and was never sick, I was so nearly starved that I do not believe I could walk a mile without sitting down. In regard to this police, as I have heard witnesses say that we did not do our duty, I wish to say this: We were ordered to bury all the filth, to dig holes to bury it; we did so; we buried it a foot or eighteen inches deep; we dug so many holes that we could scarcely find a place to dig without digging into these holes which we had already dug. When we did there would come up a great mass of maggots and filth worse than if we had not covered it at all. About the 1st of June the pen became so crowded that we could not move among the men so as to clear up the place at all. It was so crowded that the rebel sergeants did not come in to count the men off. Whenever it rained hard the filth washed out from where we buried it into the camp again, so that the ground was covered with a complete mass of lice and maggots; we could see the lice working in the sand. About the 23d of June, 1864, I was detailed to go to the graveyard to bury the dead. I marched up to Captain Wirz's headquarters and signed an article of agreement. I was to have the privilege of a mile without being guarded, and double rations, and was to work in the graveyard. When I got to the graveyard I was so weak that I entirely gave out, and I had to lie down and rest for an hour before I was able to do anything. I got up then and carried two buckets of water that afternoon about three hundred yards. When I got to my quarters I was so weak that I trembled all over. Although I was hungry I could not eat a bit. But I gained strength by double rations and fresh air, and grew a good deal better.

Q. State anything that you saw as illustrating the brutalizing effects on the prisoners of the treatment they received.

A. On my way up I saw a man immediately in front of my tent. He had a piece of moustache or whiskers in his hand, and said, "God, I've got a piece of his moustache anyhow." I asked him whose; he said the man who was shot—that a piece of his moustache was shot off and that he had picked it up; it was bleeding in his hand.

VACCINATION.

I was vaccinated a short time before I went out of the stockade. It did not take much effect, but left a small sore on the arm. After I worked some time

it began to swell up under my arm so that I had to carry my arm in this position, [illustrating.] It swelled up as large as my fist, but I had still to continue working. The doctor told me that if it broke it was certain death. A great many did die from the same cause. I used iodine on it three times, and at last the swelling gave way, but it swelled around here [in the side] about the thickness of my hand. The doctor burned me around here with some sort of chemical, and at the same time branded me on the back with the letters U. S. (To the court.) He had some kind of stuff with which he burned through the skin, caustic of some kind. It did not burn at first, till he dipped it in water. It was nitrate of silver, I think. He said, when he branded the U. S. on me, "That is a good joke; they will know you when they see you." I do not know who that doctor was. I do not think I would know him again if I saw him. He was a large, sandy-complexioned man, I think.

Q. Did you notice any men die who had been vaccinated?

A. I have noticed lots who died with great sores on their arms. I have seen men apparently raving and crazy from the sores on their arms. I have seen men with the flesh eaten off under their arm two-thirds the way down [illustrating.] I have seen men that I could lay my hand right into the ribs under the arms. Those whose sores broke under the arm hardly ever survived. I have seen the doctor take a plaster from the side of a man at the gate and scrape the rib bone. The man was sent back, the doctor saying that he was not sick enough to go to the hospital.

Those who were sent to the hospital were the very worst cases sometimes, and sometimes they were not as bad as the others. Sometimes they would take a man who could walk while there was a man lying by his side who could not walk or get up, and he would not be taken to the hospital. I saw a man there with a very bad arm, begging for two weeks, at least, to get out to the hospital. He did not get out while I was in the stockade, but he got out shortly afterwards, and he died, I believe. I saw a great many extra arms at the graveyard that were not cut off, but were disjointed at the shoulder. They would be brought out with the dead, and almost always the next day the bodies would be brought out belonging to them. They were generally eaten up with vaccination. I had a brother there. He was vaccinated in the arm, but it did not break out below. On three or four different places on top of the arm there were large sores. The scars remain as large as a silver half dollar. He recovered; he was outside and would go to the hospital steward of our own men, where we would get better attention than we would inside. He belonged to the fourth Iowa infantry.

THE DOGS.

After we had been there some time burying he dead—I think it was in the latter part of July—Captain Wirz issued orders to us that we would not be allowed the mile as the agreement stated, but only from the graveyard to our quarters, and we were guarded every night. Thinking that as he broke his agreement I was not bound by mine, I made my escape on the 7th or 8th of September, and was recaptured by the hounds about forty miles from Andersonville. We were on a fence when the hounds came up, and we fought them off. The hound keeper told us to get down, and we said we would not until he would call the hounds off. They said they had orders to let the hounds bite us, and they drew revolvers and said they would shoot us if we would not come down. We told them to shoot; that we would rather die anyhow than go to Andersonville. (To the court.) There were four of us. There were six rebels. They whipped the hounds off and we got down and were marched back to Andersonville. On arriving at Andersonville we were brought up in front of Captain Wirz's headquarters. The hound keeper said, "Here are these Yankees, cap-

tain." Said he, "I will attend to them in a minute," and he ordered his revolver to be brought to him. The orderly brought his revolver; after he made his revolver ready he came out, holding his revolver I think, in his right hand, came in front of us, looked at us a little bit, and said, "Where is Crandall?" referring to another man who escaped the same day. We told him we did not know anything about him. He turned to the hound keeper and said, "If you will bring me Bill Crandall I will give you five hundred dollars out of my own pocket. I will learn him how to run away." Then turning to us, he said, "You young sons of bitches of Yankees, I'll make you smell hell before night." He then turned to the sergeant and said, "These men's sentence is to work in the graveyard hard every day, on half rations, to be sent into the stocks at night, and not to be exchanged when the other prisoners are exchanged. Take these men and see that my orders are fulfilled, and if they do not work, or if they refuse to work, put them in on top of the dead and cover them up, and if you don't do it, I will serve you the same way." The sergeant took us to the graveyard, where we worked all day. That night we were taken back and put in the stockade. The next day Captain Wirz came to us and said he had received orders to send us all away, and that he would put a special guard over us. He started us to Florence, South Carolina, and that was the last I saw of Captain Wirz. That was in September. This man Crandall is the same who testified a day or two since—William Crandall.

STOPPAGE OF RATIONS.

Captain Wirz came to our squad one day in the stockade; we were well, hearty men, and could always get in line. He expressed himself that he thought a great deal more of us than of the rest, because we got in line. Said he, "them Yankee sons of bitches down there don't get anything to eat to-day. They would not stand in line when I told them. You can go to your quarters, but I makes them stand in line; if they don't, why, they don't get no rations." The men scattered and lay down, and they did not get any rations that day. I heard Captain Wirz say the same day that he would starve them to death. He said they hallooed "More grub!" "Hit him with a brick!" and so on, and that he would starve the sons of bitches to death.

THE CHAIN-GANG.

I saw men in the chain-gang while I was outside; I saw men in the chain-gang who were nothing but mere skeletons. The first man I saw in it had a shackle around one foot attached to a large ball, I cannot say what size; I think it was a sixty-four pounder. There were six in a row, each of them having his inside leg fastened to a large ball; on the outside leg there was another ball, I think a thirty-two pounder with a short chain. The next squad that I saw there—it may have been part of the same who were not released—were fastened in the same way, only that they had an iron band around the neck and a chain running from one to the other clear out. They asked me for some soap, saying that they had not any; I did not have any money and could not get them any soap, but I believe Crandall got them some soap. They were very black and dirty.

SHOOTING OF PRISONERS BY THE GUARDS.

I never saw a man shot there, but I heard the guns go off and saw the smoke, and saw the men after they were dead. I never heard the rebel sentry say anything at the time; I heard sentries say they shot men and got furloughs for it. The sentries who shot prisoners were relieved right away, just as quick as they could get a guard to the post. I saw that; I saw a one-legged man; they called

him "Chickamauga," and sometimes "Pretty Polly," at the front gate, talking to Captain Wirz about getting out. I was present; I went down and heard him say that he would make the sentry shoot him, or something to that effect. I never liked to see anybody shot, and so I went to my tent. There I heard the sentry fire and I saw the smoke, and saw him draw up his gun as if he had been shooting. I then went up to the place and found the man lying there shot. He was just inside the dead-line.

THE DOGS.

Cross-examined by COUNSEL:

I ran away from Andersonville once; I know of others who said they had ran away. I worked at burying the dead from the 23d of June to 7th or 8th of September; I worked in the same squad with Crandall. We knew each other well while there. There were sometimes thirty or forty at work there; James B. Crampton, George W. Tibble and Benjamin Hornard ran away with me. When we came back we were sent to the graveyard on half rations to work there, and we were put in the stockade; that was the greatest punishment in the world. We were not put in any stocks. The sergeant looked around and said, "Boys, there are not stocks enough for all of you, and I guess we will put you in the stockade." I was not there when Crandall came back, and I never saw him again.

SHOOTING OF PRISONERS BY THE GUARDS.

I stated that I heard something about making the guards shoot "Chickamauga." He was standing at the gate talking with Captain Wirz at the time he made that remark. He got shot.

By the JUDGE ADVOCATE:

I know nothing about the six men who were hung in the stockade, only that I saw them hung from the outside.

SEPTEMBER 12, 1865.

JOHN H. GOLDSMITH, for the prosecution:

I have been in the military service of the United States, in the 14th regiment Illinois infantry. I was taken prisoner on the 4th of October, 1864, at Atwood, Georgia; I arrived at Andersonville on the 11th day of October, and remained there until the 18th day of March, 1865. Captain Wirz was in command of the prison all the time I was there.

THE RATIONS.

On or about the 1st of March, 1865, Captain Wirz put me in charge of the rations to be issued to the prisoners inside of the stockade, and to the paroled men outside. I had charge of the rations up to the time I left the prison. The rations consisted of half a pound of meal of very poor quality, half a pound of beef, half a pound of peas and two gills of molasses. The ration of molasses was on each alternate day, and of beef the same day. When they took the beef and molasses together, there was one quarter of a pound of beef and one gill of molasses. The beef was very poor; some called it "jackass." It was salt; we got some fresh once or twice a week. It was poor meal, with cob and grain all ground together. (The sample of meal produced by De la Baume was here shown the witness.) That is just the quality of meal, as a general thing. Captain Wirz used to give me the orders always for drawing rations, when I had charge of the rations. He used to make out tickets for me to draw from Captain Arm-

strong. I drew what he made out the tickets for. The ticket specified the articles and the quantity—it limited the rations. The rations issued to our prisoners was just one-half the quantity issued to the rebel troops. There were three days there that he increased the rations of meal and of peas to ¼ pound per day. At the end of three days he put the ration back to the old standard again. He said the Yankees were getting too damned saucy, and that he would bring them to their milk.

THE PRISON RULES.

I was out on parole most of the winter, from the 21st of November, 1864, until the time I left. My duties outside the stockade was writing for Captain Wirz. Part of the time I attended to the death list, making out the records of the prisoners. I had no particular duties assigned to me, but to assist in writing. The death list was the list of those who died each day in prison. I was engaged in that duty every morning. I recorded the names of those who were shot. I did not keep the causes of death there, but merely stated the day they died, without stating the disease. I have had to write out orders for Captain Wirz to punish men—orders to the guard to fire upon them in case any of them attempted to speak to the guard. There were orders issued for the discipline of the prison, warning men not to attempt to speak to the guard, as they had got orders to fire upon them if they did so. I have heard verbal orders given to rebel sergeants to punish those who had command of detachments inside in case they failed to report any man that was missing. They were to be punished by being placed in the stocks or by being bucked and gagged.

WIRZ BOASTS OF THE VALUE OF HIS SERVICES.

I have heard Captain Wirz say he was doing more good there than if he were in the field, and that he could whip more men than Johnston's army could. He did not make that statement more than once that I recollect. That was made about the latter part of January, 1865. I cannot recollect his saying "killing;" he said he could whip more men.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen orders signed by the prisoner in relation to furloughs. I made out a furlough once for a man who killed one of our own men; he received a furlough for thirty days. His name was Scott; he belonged to the fourth Georgia reserves. The man he killed was Henry Lochmire, belonging to some Pennsylvania regiment. I cannot recollect what regiment. It was in the latter part of February, 1865.

Cross-examined by COUNSEL:

The soldier came there and claimed his furlough, saying that he had earned it by killing a man. I don't recollect what Captain Wirz said to him, only he ordered me to make out a furlough for him for thirty days. He did not state on the furlough that he gave it to him because he killed this prisoner. He did not state that in any other way. I know it was for that cause, because the men said it was, and it was known that the men were receiving furloughs for killing our men. Captain Wirz gave furloughs to the troops who were guarding the prison; at least I have seen him give the furloughs. I believe General Gartrell had command of the troops during the latter part of the time I was there. I saw Captain Wirz give four or five furloughs in that way; in fact I have seen nearly all Captain Wirz's sergeants receive furloughs from him. The furloughs were in writing. I saw sergeants get furloughs for ten days. They never received a furlough for any greater length of time than that to go to their homes,

wherever that might be, and return. I have written some of their furloughs, and other clerks have done the most of it. I wrote a furlough for Sergeant Thomas Smith. He was one of the sergeants who kept the prison, a roll-call sergeant. He belonged to the fifty-fifth Georgia regiment. That was in January, 1865, I think. I don't know who commanded that regiment; the regiment was not there. There were some eight or ten detailed from that regiment on duty as sergeants. Smith was on duty there and called the roll inside the prison. He was never on guard over the prison. He had nothing to do with the guarding of the prison that I know of.

Q. And yet you say that he got a furlough for shooting prisoners?

A. I did not say that; I said that a man named Scott had got a furlough for thirty days for killing one of our own men; that was the only one I knew of. That is the only instance I know of. These other men got furloughs to go home and see their folks. They had nothing to do with Union prisoners, only in calling the roll and seeing to the discipline of the prison being carried out. This man Scott belonged to the fourth Georgia reserves. He got his furlough in the latter part of February, 1865. I do not know who the colonel of his regiment was. I never saw him before nor after that. He got the furlough immediately that he asked for it. He claimed it on the ground of shooting a prisoner. Captain Wirz signed the furlough and I copied it. I did not copy it in my books. I suppose Scott came to the office from his regiment; I cannot tell. He stated when he shot the man. He said he shot the man two days before he applied for the furlough. He stated that he was on duty, at the time he shot him, on the east side of the prison hospital and outside the hospital. There was no question asked then about what kind of a man he had shot; the day he killed the man he was questioned about it. I did not hear the questioning. I understood that Captain Wirz had questioned him; I heard some of the sergeants talking about Captain Wirz questioning him. I heard it in casual conversation. Captain Wirz told me to write out the furlough and he signed it. I don't recollect that I stated where that soldier belonged. I do not recollect his full name, only the last name—Scott.

THE PRISON RULES.

I saw this order warning prisoners. The order was relating to the discipline of the prison, warning men to keep away from the dead-line and not to speak to any of the guards when on duty, as the guards had received instructions from Captain Wirz to fire upon every one who attempted to speak to them. That was made by Captain Wirz. I mean he wrote the order and gave it to us to copy. We made thirty-five copies of it, about the first of February, to go into the detachments inside. Those orders were taken to the sergeants who had charge of the squads inside. No paper accompanied the order. These rules were made by Captain Wirz's orders. I did not have General Imboden's order before me at the time; I did not see General Imboden's order until after these orders were written out. I saw them, I suppose, a couple of weeks after. That would be the latter part of February, and on the first part of February I made out these orders. There were no men shot in the stockade after I copied these rules that I know of—I never heard of any.

THE RATIONS.

By the COURT:

Captain Wirz made out provision returns day by day. I saw these returns. They stated the number of men and the number of rations. They calculated the rations. The number of pounds of meal was calculated They were made out and brought to me every morning, showing the number of pounds I was to have issued. We used to draw five days' rations at a time from the commissary,

and have them put in another room. They were issued in bulk to Mr. Browers, who had charge of the bake-house. He used to come with the teams and take it to the cook-house. After that I had nothing to do with them. I do not know what was done with the rations of a detachment that was stopped. I believe they were returned to the commissary. They were not given to the men again.

By COUNSEL:

The requisitions made out by Captain Wirz were made by the number of men. Captain Wirz would make out the number of rations to be issued to that number of men. He would put it down in pounds. I am sure that the number of pounds was carried out in figures. I used to draw five days' rations at a time. Captain Wirz would give me tickets to issue next morning a certain number of pounds. I kept those tickets and returned them next morning to Captain Wirz's office. They represented the number of rations and the amount that I was to issue to the prisoners. Captain Armstrong, the commissary, would give me the rations in bulk. When this requisition was made out I would take it to Captain Armstrong and draw the rations. That was my business every time I drew the rations. I would get the tickets from Captain Wirz, and on these tickets there would be so many men and so many rations per day. He would make out these tickets from his morning reports. He would make out the number of men and then calculate the rations to be issued to them. I never had anything to do with the morning reports. I do not know how he would make out that ticket. They were yellow paper tickets. There would be on those tickets just the number of rations—peas, so many pounds; meal, so many pounds; molasses, so many gallons; salt, so many pounds—and the number of men in the stockade. One ticket would be made out for the stockade and another for the paroled men outside. The rations taken into the stockade were issued in a lump to them, whatever their rations would come to. I mean for the whole thirty thousand. There were thirty thousand prisoners when I was there. That would be all on one ticket. If there were five, seven, or ten thousand men, their rations would be all on one ticket. The number of rations for that whole body of men were on that ticket. When the requisition was made out it went from me to the commissary. I had to receive my little tickets next morning so as to know what number of rations to issue. The requisition remained in Captain Armstrong's office after he filled it for me. When Captain Wirz wanted to give a three days' ration to the prisoners he would put it on this morning ticket, and when he wanted to cut off rations he would take them off.

By the COURT:

There were no days when rations were not issued to the men in the stockade while I had charge of them.

THE SUPPLIES FROM THE NORTH.

By the ASSISTANT JUDGE ADVOCATE:

I know that when I went out on parole there was some sanitary clothing there. Captain Wirz had a little of it in a room adjoining his office, and gave me a suit of clothes from it. I got a pair of pants, shirt, drawers, and socks, and shoes. I have seen those sanitary goods worn by some of his sergeants. I have seen them have some of the blankets, drawers, shoes, and socks. I never saw any sanitary provisions there. That is all I know about sanitary goods there. I saw a very small quantity there. That was when I first went to his office.

SEPTEMBER 12, 1865.

JASPER CULVER, for the prosecution:

I was connected with the first Wisconsin infantry. I was captured at Chickamauga and taken to Richmond and Danville, and afterwards to Andersonville. I arrived at Andersonville on the 16th of March, 1864.

STOPPAGE OF RATIONS.

I know the prisoner. I saw him frequently. When I first arrived at the prison it was in charge of a man named Selman. At least I saw him counting off squads and seeming to have a great deal to do there. Soon after I went there Captain Wirz came there and took charge. I first saw him come into the stockade with Selman in the evening. Selman gave his orders to the men to fall in the next morning in four ranks. Next morning they beat roll-call and we fell in as he directed. Captain Wirz came and counted us off in detachments of 270 men, and divided these into nineties, appointing a sergeant over each ninety. He then gave his orders not to break ranks, to remain in ranks until he got through counting the prisoners. We did not stay in ranks, except for some time, as we supposed we were all through. I was down towards the gate afterwards, about noon, and heard Captain Wirz going about using rough language. He said we should not receive any rations, and he would learn us to stand in ranks as we were ordered, and we did not receive rations that day. That was the first day that he took command. I saw him shortly afterwards when he was counting off. I was standing near by and happened to be looking towards him. A man seemed to be walking past him, and Captain Wirz turned around and struck him three or four times and knocked the man down. I saw the man afterwards. He seemed to be quite sickly and delicate. He could hardly walk. Some time after that rations were stopped from the northern side of the stockade. That was some time in April, 1864, I think. Next day he came over and said he would give us rations, (I was on the south side,) but that the fellows on the north side would not get rations because they did not do as he had ordered them to do. He said that they had broken ranks, and he would not give them any rations; and he did not.

THE RATIONS.

I was not kept in the stockade all the time I was there. I was put on duty in the bakery on the 29th of June, 1864. That was the bakery on the stream just above the stockade. My duties there were to unload the meal that came there and carry it into the bakery, and also to load the bread into the wagons for the stockade. The meal was generally very coarse, as if it was ground cobs and all. Other sacks seemed to be very good meal. A great many sacks came there in which the meal was mouldy and wet, as if it had been stored in a damp place. Some of it would come in large mouldy chunks of meal. Sometimes it could not be used at all. It was not used. It was just thrown out by those who were making it up.

[The sample of meal exhibited by De la Baume was here shown to the witness.]

That is a fair sample of a large portion. There were sometimes some sacks better than that, but very seldom. It was generally of that quality. I have sometimes noticed sacks coarser than that. I used to help in loading the bread into the wagons. The bread was baked in cakes about eighteen inches long, ten inches wide and two inches thick, made of this meal. Ten of those loaves or "cards" were sent out to a detachment of two hundred and seventy men for one day. There was some baked in larger pans, about two and a half feet long, fifteen inches wide and one and a half or two inches thick. There were four or four and a half of them sent to each 270 men. They were generally very poorly baked. The centre of them was almost always raw. They never could be baked properly. Those large "cards" that were baked in the night and sent in in the afternoon frequently became sour and stringy; it became stringy from the sour dough and the heat of the bread, and it was impossible to eat it.

THE CHAIN-GANG.

I saw the chain-gang. When I first went outside of the stockade on the 29th of June, 1864, I saw twelve men in the chain-gang chained together under guard. Next morning they came down to the bakery to wash. I gave them some water and pails to wash and also carried their rations to them from the bakery. I saw them almost every day for over a month or six weeks that they were together. They were placed in two files with a thirty-two pound ball chained to each outside leg of the file on the right side and on the left leg of the left file. Then they were chained with what seemed to be two 100 pound balls, at least they called them 100 pounders. There were three men of each file with chains attached to each one of these 100 pound balls. They had also a band of iron riveted around each man's neck, and a chain attached from one man to another. In that condition they were kept. I believe there were six men in each file. The file leaders were not attached to the other file. If one man moved the whole twelve had to move. One of the file leaders was very poorly and seemed as though as he could hardly carry himself without carrying ball and chain; those in the gang with him complained about his being sick. He caused a great deal of trouble by reason of his having diarrhœa, and they all had to go with him whenever he was called. I afterwards saw this sick man out of the chain-gang, but he had the ball upon his legs, also the band upon his neck. He afterwards died in the guard-house. I saw our men who were on parole take the irons off him after he was dead. He was taken from the chain-gang, but the thirty-two pound ball was left upon his leg and the band upon his neck, and they were left upon him until he died. I think he died three or four days after he was relieved from the chain-gang. I think he died some time in July. I do not know his name or his regiment. I never made inquiries about it. I think the same occurrence was testified to by one witness. I think I heard a different one testified to, although I do not recollect of any other occurrence of a man dying in the chain-gang but this one. I heard these men complain to us who had been out on parole that he was a great trouble to them.

THE STOCKS.

I have often seen men in those stocks that are spoken of. I have seen men in them very frequently. I never knew of men dying in the stocks. It was a common occurrence to see men standing in those stocks, and also men lying down in the stocks that were made to hold men in that way. They had to lie upon their backs with their feet about a foot from the ground; they lay in that position all day in the sun. I know of one man in particular; he was a man who used to drive one of the wagons that drew rations into the stockade. He also used to help draw the dead with the same team. This man, for something or other, was put in there. I saw him lying on the ground all of one day in the sun. I cannot think of his name, although I did know it.

A PRISONER SHOT BY WIRZ'S ORDER.

I do not recollect "Chickamauga's" name. I recollect hearing them say he belonged to the ninety-sixth Illinois. I was at my tent and saw a crowd around the gate. I walked down towards the gate and saw Captain Wirz on his gray horse inside the gate. I walked up towards the crowd. Just as I got there Captain Wirz came to the gate and I asked him what the trouble was, and he said that the boys were having some fun with "Chickamauga." I turned around to go back towards my tent, when I heard the report of a gun and saw the guard just drawing back his musket and I saw the smoke of the gun. I turned around to go back again near the dead-line, and saw this cripple lying

just inside the dead-line. He seemed as if he was not quite dead; he was writhing in the agonies of death. I turned with some of the boys who took him up and were conveying him to the hospital. I walked along with them and looked at him. After I got some distance away, I looked around and saw Captain Wirz upon the sentry box with the sentry. I did not hear anything said or any remarks made by him to the sentinel. I went off to my tent pretty thoroughly disgusted.

WIRZ'S BOASTS OF THE VALUE OF HIS SERVICES.

I heard Captain Wirz make a remark with reference to what he was doing there. He was just inside the gate one day; there was quite a crowd there talking. I heard one of the boys making the remark, that he would rather be at the front with Sherman or Grant than to stay there. Captain Wirz made the remark that he was doing more for the confederate government there than any general in the field, and he made some other remark which I did not hear distinctly. It was just inside the gate.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I was on duty at the bakery when that detachment of Stoneman's cavalry which was captured was brought in. They were brought there, taken out of the cars and put under guard, just east of the railroad, on the side of the railroad towards the prison. They were stripped of almost everything they had in the shape of clothing that was worth anything—boots, blankets and hats. A large number of the men came down to the stockade bare-headed and bare-footed. I went up towards the depot afterwards and saw large piles of clothing, stuff that seemed to be plunder taken from the prisoners. That was in August, 1864, or in the latter part of July.

THE PRISON RULES.

I recollect while I was in the stockade, several times, once particularly, a rebel sergeant, after counting our squad, had some orders from Captain Wirz to read to us. He read them, stating that if any prisoner attempting to escape was recaptured, he would be made to wear a ball and chain for the rest of his imprisonment, and that a sergeant having charge of a squad and failing to report a prisoner who had escaped from his squad would be put in irons and be kept in irons until the prisoners were recaptured. He said the order was signed by Captain Wirz. Another time he came in, counted us off, and told us the orders were to remain in line till all the prisoners were counted. In the daytime they used to have a sentinel on every other post, but that day there were two sentinels on each post. He pointed to them and said, "You see that they have doubled the guards; there are two now upon each post, and they have orders to fire into any squad that breaks out or attempts to break out." The rebel sergeant said that. "But," said he, "it is not by my orders, I assure you." Some of the boys asked by whose order it was, and he said by Captain Wirz's order. I was there when a gun was fired over the stockade. There seemed to be considerable excitement there. I did not know what it was about; all the regiments were brought in line, double-quick, down to the front part of the stockade, and drawn up in line. All the gunners seemed to be at their posts, and there seemed to be great excitement in the camp. I did not learn the cause of the excitement. The next thing I heard was a cannon fired, and the ball went over the top of the stockade, not into it. The troops were all under arms at the same time.

Cross-examined by COUNSEL:

I was not near the fort where the gun was fired from; I heard the gun fired.

THE RATIONS.

I was at work in the bakery from the 27th of June, 1864, to the 12th of September, 1864. There were two reliefs, and in each relief thirteen men, working at the bakery, and four or five extra hands, making about thirty-two hands in the bakery. Those were all Union prisoners. A man by the name of James Duncan, a rebel, controlled them. There were no rebel soldiers or officers over them but this Duncan. Each of those reliefs had one of our men as boss-baker, and Duncan had charge of everything. They received their orders through Duncan. All the boss-bakers did was to see that the bread was baked. The meal was generally brought in the morning. I helped to carry it in and put it in the bakery. When it was baked, it was issued to the troops in the afternoon. There was hardly ever any meal or any stores of any kind kept on hand in the bakery. Almost always, when it was not sent into camp in the morning, it was baked through the night. We baked night and day—one relief for the night, and the other for the day. Duncan and a man named Humes took it to the stockade after it was baked. Humes went into the stockade and issued it It was sent in through Mr. Duncan. There was a clerk there who received the orders, who told me how much to issue to each detachment. He received those orders from Captain Wirz. The clerk was one of our own men. He had his station at the bakery; he staid at the bakery all the time. Duncan and Humes, and his clerk, were the only three that had anything to do with the business while I was there. I never knew of any of those men being arrested on charges preferred against them for stealing or selling the bread. I saw Captain Wirz at the bake-house quite often; he would generally come down and go through it, and then go out again. I never heard him give any orders. I never saw him interfere with the management of the bake-house. This Duncan seemed to have the care of the surroundings of the bakery—the keeping of it clean. Some of us men were detailed as a police around the bakery. They seemed to attend to their duties properly. It was not made clean, and properly kept around the bakery. Immediately round, near the door, and in the bakery, it seemed to be kept clean, but the filth of the cook-house and bakery was thrown off some distance from the bakery into a swamp, and that was very filthy. That swamp ran down to the brook. The offal was thrown in there by Duncan's order; at least I heard him order the men to throw their trash out in the swamp. It was five or six rods from the creek where they threw most of the stuff. I heard the men ask Duncan where they should throw some grease and stuff that came from the cook-house. This was before the cooking was removed. The stuff was liquid, and in a barrel; Duncan told him to throw it out there, pointing to a place in the swamp. There was very little to be thrown into that swamp after the cook-house was removed; nothing more than the sweepings of the bake-house. This did not make the water in the creek greasy. Filth would accumulate around where the men were working. The sweepings of the meal would be scattered and become sour, and would cause the water to be filthy. We used to take water from that creek to mix the bread with. It could not help to be otherwise than unclean, because the rebel camps were above, and they always used the creek to wash their clothes, and for every other purpose. The water in the well above the bakery was not good. I do not know what caused the water in the well to be bad; it seemed to be be clear, but it was very bad-tasted. There was a small spring above, where they used to get drinking-water from. We often used to speak about the uncleanliness of that brook. I often heard them speak of it, and say that the offal of the bakery ought to be removed somewhere else where it could not run into the prison. We would have had to take it a good ways from the bakery, and we had no way of disposing of it. I never heard any orders given by Captain Wirz that they should be taken off over the hill.

THE PRISON RULES.

I think it was in May that the orders I have spoken of were read. It was about the same time that the sentries were doubled and the posts so strongly guarded. I think that had nothing to do with the prisoners breaking out and turning the guns on the camp.

THE CHAIN-GANG.

I do not know what the men in the chain-gang had done to receive that punishment, more than what I heard them say themselves. That was all through the month of July, that I saw them there. I saw some of the same men, that I am sure of. I saw one man in particular who was there all the month of July.

By the COURT:

I do not know what he was put in for, only what he said himself when he was in the chain-gang. He said he had endeavored to escape from the prison and was brought back and put in the chain-gang.

By COUNSEL:

He did not say anything about having been paroled and having violated his parole.

By the COURT:

I recollect this one man being kept all through the month of July. I think it was some time in the month of August he was taken out. I know of his being there over a month. I am positive of that. His clothing seemed to be pretty good. He had a hat or cap on and had also a jacket and pants.

ILLNESS OF CAPTAIN WIRZ.

Upon the meeting of the court, on the 13th of September, the judge advocate laid before the commission the following letters:

OLD CAPITOL PRISON,
Washington, D. C., September 13, 1865.

SIR: Captain Wirz has been pronounced by the surgeon at this place to be too much prostrated to be able to appear before your court to-day.

Very respectfully, your obedient servant,

GEO. WEIST,
Captain and Military Superintenden, O. C. Prison.

Colonel CHIPMAN, *Judge Advocate.*

OLD CAPITOL PRISON,
Washington, D. C., September 13, 1865.

CAPTAIN: I have the honor to inform you that Captain Wirz is unable to leave his room to-day. He is suffering from nervous prostration.

Very respectfully, your obedient servant,

C. M. FORD,
Acting Assistant Surgeon, U. S. A.

Captain WEIST,
Superintendent O. C. Prison.

Counsel for the accused making no objection, the proceedings of the last meeting were read and approved.

MR. BAKER REQUESTED TO PRODUCE EVIDENCE OF WITNESSES HAVING BEEN TAMPERED WITH.

The PRESIDENT called the attention of Mr. Baker, prisoner's counsel, to the fact that he had promised to furnish the names of witnesses alleged to have been tampered with, and inquired whether he was prepared to furnish those names.

Mr. BAKER. I stated at the time that I could not give the names of any witnesses, as I am not acquainted with any of them. I went privately to the judge advocate.

The PRESIDENT. That has already been stated. The question is whether you can furnish the names of the witnesses.

Mr. BAKER. I would do so cheerfully if I could, but I cannot.

The PRESIDENT. Does the court wish any further action taken?

The JUDGE ADVOCATE. I have nothing to say or propose in regard to that matter.

The PRESIDENT. The court appears to be satisfied with the inference to be drawn from the fact that the counsel is unable to give the names of any witnesses who are alleged to have been tampered with, and they exonerate the judge advocate from any imputation suggested or implied by the former statement of the counsel. (See p. 265.)

LETTER FROM JUDGE JAMES CASEY, PERMITTING USE OF THE COURT OF CLAIMS ROOM.

The JUDGE ADVOCATE. I hold in my hand a letter which I received last night from Hon. James Casey, chief justice of the Court of Claims, and, as we hold this room by his courtesy and kindness, I think it is due to him and to ourselves that this letter be placed on the record, as showing that the military authorities did not arbitrarily take possession of this room.

CHERRY RUN HOTEL,
Rouseville, Pa., September 7, 1865.

DEAR SIR: My absence and bad mail facilities in this region, will account for the long delay in my answer to your note. Had I been there I should most cheerfully have given my consent to the occupation of the court-room by the military court. I am glad you anticipated our concurrence, and trust you have had all the facilities my officers and servants could afford you.

Very respectfully, yours,

JAS. CASEY.

Colonel CHIPMAN.

ADJOURNMENT OF COURT ON ACCOUNT OF THE ILLNESS OF THE PRISONER.

On motion, the court, on account of the sickness of the prisoner, adjourned until September 14, directing that, at that time, a report as to the condition of the prisoner be presented from the medical officers having the care of him.

The commission met on the 14th of September. Present all the members. The counsel for the prisoner were also present.

The JUDGE ADVOCATE stated that he had received through Captain Weist, superintendent of the Old Capitol prison, the following letter from the surgeon having the care of Captain Wirz:

OLD CAPITOL PRISON,
Washington, D. C., September 14, 1865.

CAPTAIN: I have the honor to inform you that Captain Wirz is some better, but unable to leave his room to-day.

Very respectfully, your obedient servant,

C. M. FORD,
Acting Assistant Surgeon U. S. A.

Oaptain WEIST,
Superintendent Old Capitol Prison.

The JUDGE ADVOCATE stated that he had addressed a note to Doctor Ford inquiring whether the prisoner would probably be able to be in attendance to-morrow, but the messenger had reported that he had been unable to find the doctor.

On motion, the commission took a recess half an hour, in order that a reply might be received from the physician.

On the reassembling of the court, the judge advocate stated that the messenger had not been able to find Dr. Ford.

Mr. BAKER stated that he had visited the prisoner yesterday, and that he appeared much prostrated. Though he might be able to come here to-day or to-morrow, the physical exertion and mental excitement might again prostrate him, so that the commission would have to adjourn over. By an adjournment now for a few days, the prisoner might acquire strength, so that the trial could proceed without further interruption. He was extremely anxious that the trial should proceed as speedily as possible.

On motion, the commission adjourned till Monday morning, September 18, at ten o'clock.

The commission met on the 18th of September. Present all the members except General Geary. The prisoner and his counsel were also present.

The JUDGE ADVOCATE stated that General Geary, who, since the adjournment of the court, had left on a visit to his home, had not yet returned, and from the arrangement of the trains could hardly be expected to be here till about 3 o'clock p. m. In view of this fact, and also in consideration of the obviously prostrated condition of the prisoner, the judge advocate suggested an adjournment until September 19, 1865. Whereupon the commission adjourned until September 19, at 10 o'clock.

MR. BAKER SUBMITS A SUPPLEMENTAL LIST OF WITNESSES FOR THE DEFENCE—REMARKS THEREUPON.

Upon the meeting of the court on the 19th of September, Mr. Baker submitted a supplemental list of witnesses for whom the defence desired the government to send, accompanied with a statement of the nature of the evidence they are expected to give. Mr. Baker said: These are all the witnesses that we are under the necessity of having a messenger sent for. There are a large number of others who I hope can be reached by mail. For those I shall ask subpœnas, and run the risk of the mail failing to reach them. I have given the names of all those for whom I suppose it will be necessary to have a courier despatched.

A MEMBER OF THE COURT. You state in reference to one of those witnesses that he would testify that the squad outside had the same provisions as the confederates. It is evidence that those outside had double rations.

Mr. BAKER. It is impossible, of course, for us to go into all the particulars as to the testimony which these witnesses will give. I must state something to show their materiality; but, in doing so, I do not by any means state all that we expect to prove by them. There are other points of great importance which we expect to prove. I do not suppose the court will require that I shall state all the points which will be embraced in the evidence of the witnesses. I desire that the court will direct that these witnesses be sent for immediately, so that they may be here in time.

The JUDGE ADVOCATE said that, as the witnesses whose names had been presented resided in different parts of the country, some in Florida, some in Georgia, some in Alabama, some in South Carolina, a single messenger could not probably serve the subpœnas and secure the presence of the witnesses in less than six weeks. He therefore suggested, as a much quicker and surer method of obtaining the attendance of the witnesses, that the commandants of the nearest military posts be telegraphed to. If the witnesses could be found at all, the military authorities could find them with much more expedition and certainty than any messenger that might be sent.

Mr. BAKER said that he would not object to any plan which would be effectual. What was desired was that some one should zealously search and follow up witnesses whom there might be some difficulty in finding.

The JUDGE ADVOCATE replied that the military authorities would use every effort, through detectives and officers in the secret service, to find the witnesses.

The court was cleared for deliberation, and when the doors were reopened, it was announced that the commission had decided to direct that the judge advocate send subpœnas for the persons named to the commandants of the different military departments in which they are supposed to reside.

SEPTEMBER 19, 1865.

THE DISPOSITION OF LIEUTENANT COLONEL CHANDLER'S REPORT SHOWING THE CONDITION OF THE ANDERSONVILLE PRISON.

R. T. H. KEAN, for the prosecution:

I was employed as a private soldier for some eight or ten months in 1861, in the army of Northern Virginia, then commanded by General Johnston. From February, 1862, till April, 1862, I was assistant adjutant general of the brigade commanded by Brigadier General George W. Randolph. In April, 1862, when Mr. Randolph became secretary of war, I was appointed chief of the bureau of war at Richmond, and remained so until April of the present year. I know Mr. Seddon's handwriting. The words "Noted, filed, J. A. S," on General Winder's report, are, I believe, his handwriting. I am familiar with the handwriting of the assistant secretary, Judge Campbell. The indorsement signed "J. A. Campbell, A. S. W.," on Colonel Chandler's report, is in his handwriting. The brief is in the handwriting of R. B. Welford, who was a clerk in the war office. He was an intelligent lawyer, and his duties were chiefly of a legal character. When legal questions were to be investigated they were referred to him for evisceration, and bulky documents were frequently referred to him and he digested and briefed them; he would sometimes at the same time express an opinion on the contents. I remember that a report was made by Colonel Chandler with regard to the Andersonville prison. I was on duty there as chief of bureau of war. I do not recollect the date that report was made—probably I cannot come within two months of it—but my impression is it was made about a year ago in August or September. I saw it at the time. I have no doubt the paper marked "Exhibit 18" is the same report to which I refer. I did not examine it with a view to note whether it bore any changes or erasures, and do not recollect it with sufficient distinctness to be able to say whether it is in letter and syllable the same as it was or not. It was laid before the secretary of war, Mr. Seddon, I think, by the assistant secretary, Judge Campbell. Judge Campbell and myself had some conversation about it. I am not quite certain whether it was before or after it was submitted to the secretary, but I think it was on the day the report was received in the war office from the adjutant general's office. After I had got through with the press of my own duties I glanced it over hastily, not having time to read it very deliberately, and it was the subject of some conversation between Judge Campbell and myself, the conversation being some comments on matters stated in the report. The conversation on the part of Judge Campbell is very well indexed by this indorsement. I do not remember to have had any conversation with him about the report after it was submitted to the secretary. It is quite possible something may have been said between us later than the day of its reception in the war office, but I have no distinct recollection upon that subject. I do not know that the report was acted upon by the secretary of war. I think I should have known it if it had been. I do not mean to say that I knew all the action the secretary of war took by a great deal, but it would probably have been in my way to know it if action had been taken upon it. I am unable to say how long it lay upon his table. Papers, especially bulky papers, were somewhat apt to lie upon his table, particularly last year, when, from the circumstances of the case, the pressure upon him

was infinitely greater than before. The matter was subsequently called to his attention. About the 1st of February, I think, a day or two before his resignation, after his resignation was sent in and before it was accepted, Lieutenant Chandler, the officer who made the report, was in Richmond for the purpose of desiring some action upon it. A controversy had grown up between him and General Winder in reference to the subject-matter of the report, which had resulted in an issue of veracity between them. That, as Colonel Chandler stated to me, and as Colonel Chilton, the inspector general, adjutant general's office, stated to me, rendered it very desirable to Colonel Chandler that some disposition should be made of the paper. I do not know that any action was ever taken upon it. None was taken at that time. As I stated, the resignation was pending at the time, and he went out of office on the 7th of February. General Breckinridge came into office on the 8th, and gave very little attention to the papers from that time. The indorsement on this paper was made by me and that is my signature. I was at that time acting as chief of the bureau of war. This indorsement was in relation to the same report, and was the same matter in controversy between Colonel Chandler and General Winder. I was in the habit sometimes of presenting such matters to the secretary with a verbal statement; at other times when it was difficult to speak to him, I would put the paper on his table, with a memorandum of this kind, not intended as an official document, but as a memorandum, merely to accompany the paper into his hands and draw attention to it, and then of no further use. This is a paper of that character.

The paper of which the following is a copy was submitted in evidence by the judge advocate and is appended to this record:

Honorable Secretary of War:

These papers involve a painful personal issue between the inspecting officer and General Winder. Colonel Chilton, acting inspector general, has requested, for this reason, that action be taken on them, so as to relieve one or the other of the parties.

Respectfully,

R. T. H. KEAN,
Chief of Bureau of War.

FEBRUARY 6, 1865.

From the way in which Judge Campbell spoke of this report at the time referred to just now, I think it excited special interest on his part. That was the first and only conversation I distinctly remember.

Q. Did you ever have a conversation with him subsequently, in which he stated that he had not been able to draw the attention of the secretary to the matter?

A. I do not recollect such a one in reference to this paper particularly. I do not say such a one may not have occurred, because it was not unusual for us in our intercourse to remark upon the difficulty of getting papers—especially bulky papers—disposed of. I mean by bulky papers, such as would occupy considerable length of time in reading.

Q. Would you call this report of eight pages a bulky paper.

A. My impression is that there was a good deal of matter accompanying that paper which is not there now. The report itself is not particularly bulky, though it is much larger than the average of papers that came to the war office. When you first handed it to me it seemed to me not one-fourth of the size of the package of papers I recollected. This is all of the original report itself.

Cross-examined by COUNSEL:

I do not remember in what month the matter first came to my attention. It would be pure guess-work to try to give any idea what month it was. Records were kept in the office which ascertained all that with precision, and my attention was not given to recollecting the date of the receipt of papers for that reason. Every paper was examined upon the day of its reception in the office,

so that if a paper came in on a certain day I would see it that day. I think the time I have mentioned was the time it was received in the office. It came originally to the adjutant and inspector general's office. General Samuel Cooper was adjutant and inspector general. Colonel R. H. Chilton was on special duty in that office as assistant inspector general, and papers of this decription would have been referred without examination in the adjutant general's office on receipt there to him, and examined in his office, and by him, if necessary, would be referred to the secretary of war, where his action was requisite. All papers that were received in my office I examined so far as the briefs were concerned. They were briefed by my clerks, and I examined the briefs. If they were such as required action in that office, I passed them over to the assistant secretary. I presume it was the same day the report arrived in my office that I had this conversation with Judge Campbell—at farthest not further than the next. I cannot tell that first conversation—what I first said and what he replied to me. I think I can relate the amount of it. I do not know which of us mentioned the subject of the report first, or how it came to be mentioned. My impression is that, after glancing over the report, I asked him if he had seen it, and he said he had. I was sitting at my desk with the report before me at the time, and he turned over one or two pages and pointed his finger to some paragraphs in it with some remarks about them, the precise tenor of which I do not recollect, but the impression left upon my mind being that those were matters which he considered bad.

Q. Can you tell us what subject those matters related to; what portion of the report; whether it was as to the question of veracity between General Winder and Colonel Chandler, or to the condition of the prison, or what it was?

A. The issue of veracity had not then been raised. One subject I do recollect his pointing to in that way was the rate of mortality. I am not sure of anything else.

He did not indicate any precise thing to be done. He did not say whether it should be taken up and acted on. It had not been acted on, and we both knew it. It had not yet gone into the secretary's hands. It was on the secre tary's table; whether he read it or not, I cannot say. I had no means of knowing it. I am unable to say how long it was on his table. I cannot say with certainty how long it was after it left me before I saw it on his table. I was in his office, constantly, every day, and there would be possibly from a dozen to half a peck of papers on his table. I would not examine each one, and I cannot tell particularly what day I saw this one there. I cannot recollect that I ever saw this paper lying there singly and alone. Generally, indeed I may say invariably, there were a number of papers on his table. There were always at all times several bundles of papers on his table. There was nothing unusual in seeing this paper lying there without attention any more than others. I do not remember the number of papers accompanying this report. My recollection is that the package of papers was much larger than it is now. There is an indorsement on the report which indicates, I think, the number of enclosures.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864 AND 1865.

SEPTEMBER 19, 1865.

W. T. DAVENPORT, for the prosecution:

I reside in Americus, Sumter county, Georgia. I was there during the rebellion. I was tithe agent, from April, 1864, till the surrender, for Sumter county. I have made a memorandum of the amount of stores, provisions, coming into my hands during the year 1864. I can make a statement with regard to it. I made this memorandum carefully from the books in order to refresh my memory as to the amounts received from the 1st April, 1864, till 1st January, 1865, and

from 1st January, 1865, till the surrender. The amount of bacon received at that depot from Sumter county and from the counties of Schley, Webster, and Marion (of which my depot, being on the railroad, was the receiving depot) for the year 1864 was 247,768 pounds; we received of corn 38,900 bushels; we received of wheat 3,567 bushels; we received 3,420 pounds of rice, (in the rough;) of peas, we received 817 bushels; we received of sirup of West India cane and sorghum (we made no distinction; we put it all together,) 3,700 gallons; we received of sugar 1,166 pounds. From the 1st January, 1865, till the 19th of April, which was the time of the surrender, I received from those same counties 155,726 pounds of bacon, and 13,591 bushels of corn. I received only 86 bushels of wheat. This was the remnant due on the old crop, the new crop not having been gathered. That was the reason why the amount was so small. I received of rice, (rough,) 2,077 pounds; of peas, 854 bushels; of sirup, 5,082 gallons, and of sugar, 56 pounds. That completes the whole amount of the tithes received from those four counties by myself. We collected one-tenth of the whole crop. There was a depot at Andersonville. Some portions of the tithes were delivered there, and some portions were delivered to travelling companies that received tithes that were not reported to me. They were reported to the post quartermaster, but never came into my county reports. What proportion they formed, I cannot tell. Two of these counties were quite small, Schley and Webster counties. My county, Sumter, and Marion are fair average counties.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO PRISONERS.

I heard of the efforts being made by the ladies of my vicinity to render assistance to the federal prisoners who were suffering at Andersonville and of their being rejected. I know nothing of my own knowledge about it.

Mr. BAKER. I have no objection of his stating what he heard; that is part of our defence. I am willing he shall state the whole.

I heard there was an effort made by the ladies of our town and vicinity to give relief to the suffering prisoners at Andersonville, and that they had made two successful trips with provisions to carry in to the prisoners, and that the third time they were repulsed by General Winder and almost insulted, so that they did not attempt the thing any more.

Cross-examined by COUNSEL:

I did not hear that General Winder insulted Captain Wirz because he insisted that the goods should come in. I don't think I heard any other person complained of except General Winder in relation to the movement of the ladies of Americus.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864–'65.

I began to act as tithing agent for those four counties on the first day of April, 1864, and continued till the close of the war. I turned the articles I have mentioned over to Mr. N. B. Harrold, who was commissary agent of those counties of Major Allen at Columbus, who was commissary agent for the district. All the stores were shipped through Harrold, and what disposition he made of them I could not say. I knew at the time I turned them over that he was a confederate officer. I had orders to do it. I was not acting as an officer. I went into the office more to support my family than anything else; I was a private citizen and civil officer. I was appointed, but I had no commission. The post quartermaster appointed me. He was a confederate officer. He had a commission. I was acting then as a civil officer for the county. I did not receive any pay. It was an office without pay—an office of honor only; not much honor either. It was an office in our State which is devoid of either honor or profit—judge of the

inferior court. All I received I turned over to the commissary. They brought their tithes to me; I never went out in the country. I never went out to see what amount of stores they had. We arrived at the amount of stores there were in the country in this way: We had an assessor, an office connected with the collector's office; parties would come in to the assessor and state, under oath, that they had produced so much, and the assessor would assess one-tenth of the whole crop to be collected by me. The assessment papers were then turned over to me, and upon those assessments I made the collection. All those statements were given in under oath. The planters made oath—those that produced the crops. A man, for instance, would swear that he had produced so many pounds of pork, say ten thousand pounds of pork; well, every thousand pounds of pork is estimated at six hundred pounds of bacon, and they then collected one-tenth of six hundred, which would be sixty pounds of bacon to the thousand pounds of pork. These statements were brought to me by the assessor. He was not the one that travelled in the country. It was his duty to travel, but he did not travel; the parties came in to him and he made the assessments. Each planter brought his tithe in for himself. He brought the stores in and delivered them to me. I did not take his affidavit as the ground on which I received them. The assessor took his affidavit and turned the assessment over to me. I took that as the account against them, and I collected it. It was like a judgment. There were some complaints about it. Sometimes parties would complain that they had given in too much; they had been laboring under a misapprehension. They never complained that they had given too little, but they frequently complained that they had given too much. I ascertained in that way the condition of the crops in that year; whether they were good or bad. Frequently inquiries would be instituted by the post quartermaster if their statements were true, and if so he would release them to the extent that they claimed release. There was little, very little indeed of releasing in that way. There were not a great many demands for it in proportion to the number taxed. We were harassed by perhaps ten or a dozen, but not more than three or four, I think, got released. In 1864, the first year, bacon accumulated with me to a very large amount. The collection began, I think, on the 1st of March. It was before I went in, but that was the time to begin the collection of bacon, and it remained there until some time in June before it was removed. I think at one time we had 150,000 pounds of bacon at once. I knew it was a matter of complaint among the citizens that the army was suffering for provisions while large amounts accumulated in the quartermaster's office. I think the cause of that detention was want of transportation. In 1864 wheat would commence to come in from May, scattering all along till the end of the year. I noticed some after the 1st January. My report does not show at what time it came in; it only shows just the aggregate amount. I have no means of knowing in what month the larger quantity came in. A portion of it was gathered in May, and a portion of it was gathered in June, and from those months on to the 1st of January. The farmers generally sought a favorable time. The corn would come in first about the middle of November, and all through the winter months. It would not begin to come in previous to that month; it had to be prepared for keeping. The rice came in about from the 1st to the 31st of November. I received very little that would be of use during the summer months except the bacon; the bacon was all pretty much collected in the months of March and April. I do not remember how the crops were in 1863. I did not go as tithe agent till 1864, and had no connection with the office before that. I heard comparisons between the crops of 1864 and 1863, but I do not remember. When I first commenced in my office something came into my possession from the crops of 1863, but I do not remember; I did not make a statement of it. I know nothing about the crop being damaged and most destroyed in 1863; if it was, I do not remember it. I am a merchant; I am not brought in connection with agricultural matters.

By the COURT:

It was bacon of good quality. It takes 60 pounds of the clear grain to make a bushel of rice. I do not know how much rough rice it takes, but I think it takes 144 pounds of rough to make a clear bushel of sixty pounds. We had tables of all these things, but I have forgotten them. I do not state this to be a true estimate. From my idea of the weight of the chaff it would be too much. The corn we received in 1864 was intended to be the growth of that year, but sometimes the planters in delivering their corn would deliver old corn in place of new. It would be sacked up and could not be detected till it was carried to the mill. Some few sacks were found in that condition. There was tithing in 1863; it began in the fall, I think, of 1863. I think it commenced in September of that year; my remembrance is not very clear on that point. There was a good deal of bacon on hand when I went into the office; a portion of the bacon which I reported was on hand.

By COUNSEL:

I have no means of telling what proportion of the supplies I have mentioned came in in the fall months.

Q. Can you from your judgment give us some idea?

A. Well, the corn and the bulk of the wheat was delivered in the summer months, but then some portions of it would be delivered all along; some even beyond the 1st January, 1865.

By the COURT:

All the pork came in early in the season, They delivered it early in the season because it weighed then better. The sooner it was delivered the less loss there was in it.

THE MARKING OF THE GRAVES OF UNION SOLDIERS AT ANDERSONVILLE; NUMBER OF GRAVES; AND THE MANNER IN WHICH THE SOLDIERS WERE BURIED BY THE REBEL AUTHORITIES.

SEPTEMBER 19, 1865.

Captain JAMES M. MOORE, for the prosecution:

My position is assistant quartermaster United States army. I was engaged from July 26, 1865, till August 16, in marking the graves of Union soldiers at Andersonville; also in enclosing the cemetery. The whole number of interments was 12,912. There were 12,397 graves marked with names; 451 unknown. The number of graves in the small-pox cemetery was sixty-four; that includes all that I was able to find. I found no graves whatever in the stockade, though Colonel Griffin, who was appointed by General Wilson to superintend the cemetery before my arrival, stated——

Mr. BAKER objected to witness stating what he had heard from Colonel Griffin.

We found the bodies interred in trenches averaging from one hundred to two hundred yards long. They were buried so closely that the tablets which marked the graves almost touched each other. The tablet measured but ten inches. In some places the distance between them was greater, but the tablets were seldom more than two inches apart, making about one foot for each man. We marked the graves with the number, the name, the company and regiment, and the date of death. We got the data from the records which had been kept at the prison, and which were captured by General Wilson. I got them from the War Department. At the head of many of the graves was a stake numbered, that number corresponding with a similar number in the book, to which the name was attached, showing the occupant of the grave. That was the only

index we had. In many cases those stakes were knocked down, and we were obliged to measure the distance from one stake to another. For instance, between 10,500 and 13,000 there would probably be a dozen stakes missing, and we would count off a space occupied by the stakes that were up, so as to know the occupant of the grave, as far as possible. Of those who were buried last the graves were not marked, and we were unable to identify them. In such cases on the head-board were placed the words "Unknown—United States soldier." They were buried in trenches; the trenches a distance of probably six feet apart, in some instances not more than four. There was a main avenue running through the centre. There was no enclosure whatever. I found no graves exposed. They had been cared for. The officer appointed by General Wilson had taken charge of the cemetery. I found a gentleman in charge of it who was formerly an officer. His name was Colonel Griffin. I know that when he got there the bodies were exposed, from the fact that when I got there I found, on putting down some of the boards, there was but a slight covering on some of the bodies, and the hair of some of the men was exposed, showing that in some instances they were but a few inches underground. At the instance of the government the graves were all marked; walks were laid out; the cemetery, containing fifty acres, was enclosed with a neat fence; appropriate inscriptions were placed through the cemetery, and it was beautified, as much as my means would permit.

Counsel for the prisoner declined to cross-examine the witness.

By the COURT:

The average depth at which I found the bodies buried was between two and three feet. They were all buried. I saw the remains of none. The stakes indicated that they were very close to each other. I did not see any of the bodies myself; they were all buried; the stake at the head of each grave indicated how close. I did not take them up for re-interment. No disinterments, whatever, were made. They were just marked where they were.

By the JUDGE ADVOCATE:

It was not possible at that time of the year to disinter them. Besides, by labor, the graves can be made higher, and will, in the course of time, be just as deep as if the bodies were buried again. All the men were found buried.

By the COURT:

The ground was well chosen for a burial place, and in the course of time it can be made a beautiful place.

SEPTEMBER 19, 1865.

JOHN L. YOUNKER, for the prosecution:

I was in the military service of the United States; in the 12th United States infantry. I enlisted March 31, 1862, for three years. I was a prisoner at Andersonville from June 16, 1864, to September 12, 1864.

MEN BITTEN BY THE DOGS.

I know about the use of hounds there for pursuing and capturing prisoners. There was a man, I suppose about fifty years of age, who was in charge of twelve bloodhounds; whenever he was on duty he always rode on a mule. He generally went round the stockade every morning, and if he found the track of any prisoners he went in pursuit. There was one man, belonging to an Indiana regiment, who was taken sick and sent to the hospital. From the hospital he tried to make his escape; he was recaptured by the bloodhounds, and sent back to the stockade in the evening. He had an acquaintance in

the next hole to mine. The man's right ear was almost off; he was bitten in several places in the legs; he was all scratched, and had hardly any clothing on. I took a piece of my old dirty shirt and helped to tie up his wounds. Then he gave up to a friend of his a likeness of his mother which he had, and said that he should send her this if he should never recover, because he believed he would die. The next morning he was dead. He gave this picture to one of my comrades. He was a resident of the northern part of Ohio, and he said that the man should deliver the picture to his mother, as he should never recover, that he should die In that same conversation he said something as to how he had been injured. We questioned him, and he replied in a feeble voice that he had got about thirty-five or forty miles, and was strongly pursued by the hounds; that, as he was very weak, coming out of the so-called hospital, he tried to climb up a bush, but was pulled down by one of the dogs, and so disabled that he could proceed no further. We had to stir him up once in a while, give him a regular shake, so that he might answer a few more questions, because he was expiring. I saw him after he was dead. That was a few days before the six raiders were hung, which was on the 11th of July. That bloodhound affair struck my mind. Shortly afterward, I was taken out on detail into the graveyard, and I one day met the old bloodhound man, and I asked him, "Why in the world are you committing such cruelties against us Yankees?" "Why," said he, "it is the order of Captain Wirz. I would not do it, but he told me not to fetch back one of you Yankee sons of ———." I will omit the other expression, if the court will allow me.

Mr. BAKER. I move that the court disregard the last portion of the answer in relation to what this man said to him about Captain Wirz.

The JUDGE ADVOCATE (to witness.) In this same conversation did you refer to the death of your comrade?

A. Yes, sir.

The JUDGE ADVOCATE. That makes it a part of the *res gestæ*.

After deliberation by the court, the motion was not sustained.

It was Turner who made the remark I have stated. He said, "It is the order from Captain Wirz to do so." I considered it very wrong; but at the same time old General Winder was there; we generally called him "the old tyrant;" and I thought, perhaps, it was an order from him. But when Lieutenant Davis came out to us one day, he said: "If any of you Yankees escape from the stockade, I will try to catch you, because it is my business to keep you. But I am not like old Wirz; I will put you back in the stockade and let you try it over again. But if any of you grave-diggers escape, I will punish you."

TREATMENT OF THE DEAD.

I was on duty as a grave-digger. The prisoners were buried in trenches 180 feet long, 7 feet wide, and 3½ feet deep. That was the order we had from Captain Piggot, superintendent of the graveyard. They were laid side by side on their backs; and we generally covered them with some pine slabs or puncheons as they were called, until these got so scarce that we could not get enough to cover the bodies, so we just put them in without anything covering them but the ground. The bodies when they came there for interment were about half mortified. We could hardly touch them to pull them out of the wagons on to the old stretcher without their skin remaining in our hands; and they were full of vermin of all descriptions. Two teams, drawn by four mules each, were employed in bringing the dead to the graveyard. They were covered wagons like our army wagons. They were hauling steadily from morning till night almost. The dead were placed right on top of each other in the wagons. They had hardly any clothes on.

VACCINATION.

A great many came there without arms and without legs; but the legs did not show the sign of any medical instruments. The arms seemed to be unjointed, just dropping off. Arms and legs were sent to us generally in old sacks with the dead. They were at the bottom of the wagon and the dead on top. The dead were brought there just like a farmer hauls fence rails, twenty or twenty-five in a load, one on top of another. I noticed this daily. The greater part of it originated from vaccination. The sores were most right here [on the outer part of the arm near the shoulder] and under the arms. You could look into the ribs and see the bone, and it looked all black and green and blue.

ACTS OF CRUELTY COMMITTED BY WIRZ.

The first act of cruelty which I saw committed by Captain Wirz was on the day of my arrival. We were marched from the railroad depot in front of his headquarters, which consisted of an old log cabin. He was most noted to me by the revolver which he carried in his belt, and the foreign accent with which he spoke the English language. I and about fifteen more were on the extreme left of the line. We were counted out, as I was told by the guard, to fill up old detachments, and the rest of the men were all counted in nineties. Captain Wirz fussed around there, threatening and cursing. I thought he was a pretty rough customer. After the other men were all marched into the stockade we were marched in front of his headquarters and remained there. Captain Wirz and several other rebel officers went inside. One of the guards seemed to be a little friendly to me, and he told me the condition of the prisoners in the stockade; that they had no shelter or anything. I had been robbed in Richmond of everything I had. I saw an old piece of tin under the log-house, and as I am a blacksmith by profession, I thought I might make myself a pan out of that tin if I had it. I reached for it. At the same moment Captain Wirz came out. He commenced cursing and said to the guard, "Why don't you shoot that Yankee son of ———. I will keep you in line. Damn you, I will put you in the stockade and let you rot like a great many have done before." So I did not get the tin. I went in without it.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was twenty-one days without shelter, and it was raining all the time. The rebels told me it was the preparation for the equinoctial storm. I found misery there in the highest degree. There was a sick-call about twice a week; it was supposed to be every day, but sometimes many of the surgeons were absent, and sometimes we had no medicine. We took up our sick in blankets and on sticks, every which way. Some died on the road up to the gate. We had to fetch them back very often without being looked at by the doctors. Like thousands of others I had to dig myself a hole in the ground. I had no shelter without it. Disease was raging in all its various degrees, from common toothache up to insanity. I would see men crawling on their hands and feet, crippled with scurvy, rheumatism, chronic diarrhœa, and all diseases of that kind. In fact if a man was admitted to the hospital it was almost necessary to have his eyes fixed for the other world or he could not be accepted by the doctors. I mean by "having his eyes fixed," almost dead.

STOPPAGE OF RATIONS.

My rations were stopped. Whenever Captain Wirz wanted to find out something in regard to tunnelling, or if a man was absent from roll-call—some poor fellow who might have gone to the sink in the centre of the stockade where the little brook was, and become unable to return—our rations were stopped. On the 4th of July, 1864, we did not get a bite.

THE CHAIN-GANG.

I have seen a great many men in the chain-gang, with iron collars round their necks. I have seen as many as a dozen chained together.

THE STOCKS.

I have seen men in the stocks. The stocks were of various kinds. Some just held the feet ten or twelve inches higher than the ground, so that the man could either sit or lie down, exposed to all kinds of weather. Others held a man round the neck with his arms stretched out. As a man stood there in that way it appeared to me (I can find no other expression for it) just like the image of Christ crucified.

SHOOTING OF PRISONERS BY THE GUARDS.

I have seen a great many men shot on the dead-line. It was a daily occurrence. The shooting occurred nearly every day. Whenever they aimed at a man they never or very seldom hit the right one, but almost always killed another one six or eight yards off, and then we generally hallooed, "Ah! there is another thirty days' furlough for you."

ACTS OF CRUELTY COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

I went to Andersonville from Pemberton prison, Richmond. About 850 went with me, all from that prison and Libby. On the occasion of my arrival at Andersonville Captain Wirz did nothing to me except swear, and curse the guard because he did not shoot me. He did not touch me. I have seen him touch other men with his own hands. I don't know who they were; they were not in the same line in which I stood. He shuffled them around, cursed them, and threatened them with all kinds of language as to what he would do. I never saw him kill a man. I only heard him say he would. That was all I heard about it.

THE STOCKS.

I have seen him put a man in the stocks; he did not put him in himself; his subordinates did it while he stood right there and said they should do it. I have seen his subordinates put in the stocks one of those grave-diggers, a man belonging to a Rhode Island regiment. There were two brothers together, but their names I have forgotten. That was on the 9th September, just the day after William Crandall escaped. The man who was put in the stocks was not one of those who had escaped. We had made up a plot all to escape, and Captain Wirz said that man was the ringleader. That was the reason he put him into the stocks. During the day he had to dig graves, and at night he was put into the stocks. We had made a plot to run away. We should have run away if Captain Wirz had not detected us.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I saw thousands sick and dying in the stockade. I saw some of those who went with me from Richmond sick and dying there. Not a man of them was sick when they went there with me, because there was not a sick man sent from Richmond. They were all sound. No wounded man was sent; they were all retained at the hospitals in Richmond. None in our squad had been wounded. We were captured at Cold Harbor. We were only four days in Richmond. That storm was called the preparation for the equinoctial storm; it was not the

storm itself, I suppose. I went away the 12th of September. It was not then beginning to prepare for the equinoctial storm. It was on my arrival, the 16th of June, when it rained every day. As the rebels said, it was preparing for the equinoctial storm.

THE CHAIN-GANG.

This putting in irons of which I have spoken occurred shortly after I went into the graveyard. I saw them in irons. I went out to the graveyard the 16th of July. I remained inside the stockade precisely a month. I always afterwards worked in the graveyard.

TREATMENT OF THE DEAD.

I saw Captain Wirz in the graveyard very often, because his residence was just beyond the graveyard, and he passed on his old gray horse every morning. He never did anything in the graveyard. I never saw him commit any violence there; he just passed on the road to his headquarters. I suppose he had something to do with the manner in which the dead were treated, because we had to hand in our report every evening to him. I never saw him touch any dead man in the burying-ground. I never saw him have anything to do with the dead men in the burying-ground. He gave us directions how deep we should dig the graves. We dug them in accordance with his orders, three and a half feet deep. He gave no orders in anything else about the burying-ground. We once made application for another stretcher. He said we should go to Dr. White, and Dr. White said that we should go to Captain Wirz. The old stretcher had such a big hole in it that the dead would sometimes fall through as we were carrying them from the wagon to the grave. We made application to Captain Wirz, as he passed one morning, to get us a new stretcher. He said we should go to Surgeon White. We went to Surgeon White and he told us we should go to Captain Wirz; that he was the proper officer. But we did not get any new stretcher. It was useless to go back to Captain Wirz, because we had seen him before. We did not do it.

MEN BITTEN BY THE DOGS.

By the COURT:

I cannot tell to what regiment the man who was bitten by the dogs belonged. He belonged to an Indiana regiment, but was a resident of the northern part of Ohio. I don't know his name.

SEPTEMBER 19, 1865.

JAMES P. STONE, for the prosecution:

I was in the military service of the United States, in the second Vermont volunteers. I was a prisoner of war at Andersonville from February 29th, 1864, till September 19th following. I was employed the first two months I was in the stockade like other prisoners; after that time I built fires in the bakery, until the 1st of September, when I was put in the stockade again.

THE CHAIN-GANG.

There was at Andersonville what we used to call the chain-gang. It was composed of twelve men. They were stood up two by two; a 32-pound ball was attached to the outside leg of each man and three 64-pound balls attached to the twelve men, making one 64-pound ball to each four men; and there was a long chain fastening together the three 64-pounders; about each man's neck was an iron band about one inch thick, with a chain about two feet or two feet

and a half running from one man's neck to another, thus chaining them together by the necks. They were kept in the chains in that state for six or eight weeks, I should think. Every day they had to walk forty or fifty rods to get what they had to eat; of course one could not stir without the whole twelve. One of them was very sick with chronic diarrhœa; he was kept in the chain-gang till it was impossible for him to move; he could not go for his rations; and then he was taken out of the chain-gang and left at the guard-house near the stocks. But the 32-pound ball was not taken off his leg, nor the iron band from his neck. He died there, I suppose, with that ball and chain on. I saw him the night before he died. I carried him something to eat about eight o'clock in the evening. He had then the 32-pound ball on, and also the iron band round his neck, with a chain about 2 feet long hanging from it. The next morning he was dead. When I found him there that evening he was very much debilitated and run down, very poor and almost dead. He could hardly move or speak the last time I saw him. The last time I saw him was but a short time before the chain-gang was broken up, say perhaps the last two or three weeks or a week or two before the chain-gang was broken up; and the time when the chain-gang was broken up was the time when General Stoneman was making his raid through Georgia, at the time he was captured near Macon. It was expected that General Stoneman would be at Andersonville. In fact, General Winder and Captain Wirz and all the authorities there had all their goods packed up and drawn to the depot to load on to the cars to leave Andersonville, because it was expected that General Stoneman was coming. That was a Sabbath morning, and on that Sabbath morning the chain-gang was broken up and the men were put in the stockade. It was in June, I believe. I remember that it was done on that Sabbath morning when it was supposed General Stoneman was coming there. The man died a few days before that time. That was the time when the rest of the chain-gang were put back into the stockade. That was what we called the chain-gang. There were a great many chain-gangs where two men would be chained together, sometimes three; and there were a great many instances in which a sixty-four pound ball was attached to one man. I do not recollect any other occurrence where one man of a gang of twelve was very sick and afterwards died. There was a sort of guard-house very near the stocks, where that man when taken from the chain-gang was left under guard.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw prisoners shot while I was in the stockade. I saw the first man shot who was shot at Andersonville. He was a Dutchman. He was insane. I knew him on Belle island. He was insane there. In fact he did not know anything. He had drawn his rations and was returning to his quarters with them. He dropped his bread—a little piece of corn-bread—and it rolled under the dead-line, so that when he stooped to pick it up he exposed his right arm under the dead-line. He was immediately shot, the bullet entering the right side of his neck and coming out under his left arm; he fell dead on the spot. That must have been in April, 1864. Captain Wirz was in command at that time. I never heard the name of that man who was shot. In fact no one appeared to know anything about him. He was always talking to himself, muttering one thing or another as he walked along. There was a one-legged man who lost his leg at the battle of Chickamauga, and he always went by that name; I do not know whether he had any other name or not; I presume he had, but I never heard him called by another name. He was shot because he approached the dead-line.

MEN BITTEN BY THE DOGS.

The first dogs that were used there belonged to a man by the name of Harris. This Harris lived some five or six miles, I suppose, from Andersonville. He had a pack of eight hounds, besides a dog which they called a "catch-dog." That

dog always went with the pack. Harris did the hunting there for a long while before they got the regular prison hounds. He used to be there every day, and always in the morning he would make a circuit around the stockade to see if any had escaped, and if any had, he would of course follow them; and then he would always scour the country all around. It was said he was hired by the authorities to do that; that was his business; I presume that it was. Harris was there from the first. And then they had some more dogs which a man by the name of Turner tended. Those dogs did not come there, I think, until May; at any rate it was some time after I went to Andersonville before the second pack was there. I think there were two packs. Turner tended about fifteen dogs, which were kept exclusively for hunting down prisoners. Turner's dogs were kept at the post. Those dogs were fed by rations drawn from the bakery, the same as the prisoners were fed on. I have seen Turner draw rations for them many a time. He had a young man about eighteen or twenty years old who assisted him, and that young man used frequently to draw rations for the dogs. I do not know whether they were on the provision return. I issued the rations to the man several times. He would usually, I think, present a paper. I know that he did so once, because I showed it to several prisoners in the bakery, with Captain Wirz's name to it. All it said was, "Give this man all the bread and meat he wants for the dogs." The man would tell how much bread and how much meat he wanted. I have seen a prisoner who has been torn by the dogs. In the month of July or August—perhaps August—I saw one young man who had made his escape. I don't know how far he got. I think not a great distance. It was the dogs of the old man Harris that caught him. He was very badly torn. They were carrying him by the bakery; they stopped there, and there was where I saw him. I asked him a few questions. He was very weak and could hardly answer. His legs were all bitten up, and he was bitten a great deal around the neck and shoulders. He belonged to some western regiment; I think an Ohio regiment, but I would not be positive as to that. I did not learn his name. He said he had made his escape and climbed a tree.

Mr. BAKER. We object to the witness stating what that man told him.

The young man, as I said, was very weak when he made his escape; in fact, he probably ought not to have tried it, and then he was torn by the dogs and was much weakened by the loss of blood which he had to incur, of course; his legs were torn so that he could not walk, and his shoulders and neck were torn and his clothing was nearly all torn from him. The young man stopped for a few moments by the bakery, and of course we all went out to see him, and he told us he belonged to a western regiment, and was trying to make his escape to Atlanta; the dogs overtook him and he climbed a tree, and he said that this old gentleman, Harris, and Captain Wirz shook the tree so that he fell down and allowed the dogs to tear him. That was the young man's statement, and I understand that he died that night. I did not see him after that, but it was said next morning that he was dead, and I suppose he was. He was taken to the hospital. This occurred probably in the month of August, 1864. I did not learn his name, only that he belonged to a western regiment.

THE STOCKS.

I have seen men punished by being put in the stocks many a time. I have seen them so punished for various offences. I have seen them put in the stocks and kept there many days at a time for trying to make their escape, and I have seen them put in the stocks because they failed to appear at roll-call in the morning or to answer to their names when called. They had two kinds of stocks there, the upright, or as we called them "spread eagle" stocks, and the sitting stocks. I heard a young man ask Captain Wirz for something to eat, and Captain Wirz turned round with an oath—he was always very profane—and or-

dered the guard, which was in the stockade with him, to take that man out and put him in the stocks, and I suppose they did it. That was in September, only two or three days before I left Andersonville.

MEN BITTEN BY THE DOGS.

Cros-examined by COUNSEL:

I should say that it was as late as the middle of August, and perhaps later, that this man whom the dogs tore died. I am strongly impressed that it was in the month of August, but I could not swear positively. I was not acquainted with the man. I never saw him till that time. I saw where he was bitten; I saw he was mangled and torn. He could not have been bitten and mangled by anything else; bulls do not bite. I only heard he had been bitten by the dogs; I saw the man, of course; I did not see the dogs when they bit him. Like a great many prisoners there, he was probably sick on account of the treatment he had received. He looked thin and poor, and probably was not strong. He was suffering as much as the well prisoners usually suffered there. They suffered for the necessaries of life, but from no particular disease. He was not a Frenchman; at least he spoke pure English. He was not of French descent; he was American. I first saw this man Harns who had the hounds with them on the 3d day after I arrived at Andersonville, when Captain Winder had command of the camp. He came into the camp with his dogs at that time. That was before Captain Wirz had anything to do with it; I could not state positively that Turner had two packs after he came there; my impression is, however, that he did have all the time two packs. I have seen him have two sets of dogs; whether there were two packs I could not tell, or whether he separated the pack into two sets of dogs. There never were, that I know of, any dogs employed there except the dogs that Turner had, and the dogs that the old gentleman Harris had. I never knew of the country people sometimes catching prisoners and coming in with their dogs. My impression is that Turner did have two packs; I think he did. He kept the packs together—that is to say, he kept both packs near his headquarters. I think Turner had about 15 dogs, and the old man Harris had 8, I think, in his pack. I saw 17 dogs at one time; that was about the 1st of September. Those 17 dogs had been out on a hunting excursion. Harris had his pack there; whether Turner had all his there or no, I do not know, but there were 17 in all.

THE CHAIN-GANG.

It was probably in the month of June that the man died whom I have spoken of, after he was taken out of the chain-gang. I should say it was as soon as the middle of June; I could not swear to anything very definite as to the day of the month. I noticed particularly the band that was around his neck. It was about an inch wide. It was fastened around his neck with bolts. It had worn into the flesh some under the jaw-bone, as it naturally would. It had worn the skin off; I do not think the band was tight enough to choke him. I do not think that was the cause of his death; a band being around his neck would not cause death. The band or chain that was put around a man's leg or ankle was usually not tight enough so as to wear into the flesh, provided there had been no heft attached to it, but it was nothing uncommon, as long as there were balls attached to them, for the chains to wear right into the flesh. The man could stand at ease without having it tightened around his ankle, if he did not straighten the chain so as to move the ball. The chain was about two feet from his ankle to the ball. I never saw a prisoner in our army chained. The chain around the ankle would not be tight enough to wear into the flesh probably, unless there was some heft put to it. There was a large sore where the chain

went around his ankle, caused by the chain wearing into the flesh. It was a raw sore, so that when he stirred, if he started the chain any it would cause the blood to run. In my opinion, if the man had never been put in the ball and chain-gang, and had had something to eat, he would not have died of dysentery. Those things alone would, I guess, have saved his life. The ball and chain, I should say, was one great cause of his death, and one thing that hastened his death in this way. Take a man who is sick and weak, and put an iron band around his neck with a chain attached to it and attach a 32-pound ball to his leg, and let him have, in addition, to help to drag a 64-pound ball every time he stirs—having to move all these weights would certainly not help to improve his condition.

SEPTEMBER 19, 1865.

GEORGE CONWAY, for the prosecution:

I belonged to the 3d New York artillery; I was a prisoner at Andersonville from the night of the 17th March to the 7th September, 1864.

THE HANGING OF THE "RAIDERS."

I know the raiders were taken out by some of our own men and tried. One of them had formerly been in my regiment. While on the scaffold he bid me good-bye, and told me that there was a watch of his in the hands of Captain Wirz, and he told me to get it and keep in remembrance of him. I sent out two notes to Captain Wirz about it, but received no answer to them. One day the captain was riding around between the stockade and the dead-line; my tent was near the dead-line; the back of it was hanging on the dead-line, and I spoke to him and asked him—said I, "One of those men that was hung requested me to get a watch of his which you have." He looked at me, and said he, "I know nothing of your watch; all the damned Yankees ought to be hung." He started on, and I thought it would be of no use for me to ask any more for it. That is all I know about that watch; I never got the watch. I cannot tell what became of it.

SHOOTING OF A PRISONER BY WIRZ.

I saw a man shot one day; he came down after water; no one was allowed to put their head or any part of their body under the dead-line. This man probably not being acquainted with the rules, as many of them were not who came in there after the rules were read, put his hand in under the dead-line to get a cup of water and the cup dropped from his hand; he put his hand in under the dead-line to raise it up again and Captain Wirz shot him, the ball taking effect in his head. He died almost instantly. (To the court:) Captain Wirz shot him; he was standing in the sentry-box. This occurred about the time the raiders were hung; I could not say whether it was before or after. It was about that time. I am certain I recognized Captain Wirz; I knew him well at that time. He had a revolver in his hand, I believe. Those were the circumstances. He was getting a cup of water out of the brook when the cup dropped from his hand. I do not know the name of that man; I never saw the man before till I saw him that time. The man died.

STOPPAGE OF RATIONS.

Captain Wirz was very often in the habit of stopping our rations. The first day he took command he stopped our rations; we did not get any rations that day and none until the evening of the next day; and then on the 3d and 4th of July we got no rations, and at other times. I have often heard him say himself that he would stop them; he gave orders that if any man did not appear at roll-call he would stop his rations, and he would stop the rations of the whole detachment for not having him there.

MEN BITTEN BY THE DOGS.

I also saw that man who was bitten by the hounds while trying to make his escape from the hospital. I saw the man when he came in; he was showing the scars where he had been bitten by the dogs; some on his legs and one on the side of his cheek or face. I do not know how far he was from camp when he was caught, but I heard him telling some one the story. I heard that he died; I did not see him after he was dead. I refer to the man that made his escape from the hospital. This one in particular was the only one I know of. He was a man who was sent to the hospital, I suppose; I do not know whether he was a patient or was working there, but he tried to make his escape; he was caught by the hounds and was bitten. He was afterwards brought back and sent inside the stockade. It was after he got there that I saw him, and he told us he was bitten by the dogs. They sent him back to the stockade for trying to get away. He was not taken back to the hospital, but sent into the stockade. I think this occurred before the raiders were hung; I heard one man testify here, and I thought it was the same instance referred to by him.

THE STOCKS.

I have seen men in the stocks and in the chain-gang; I have seen two different kinds of stocks; in the one, two boards were placed around the men's feet and they could either sit down or lie down exposed to the weather; and in the other stocks the man's hands were stretched out, his head was kept in one position, and he was kept standing straight up.

THE CHAIN-GANG.

In the chain-gang the men had yokes around their necks—iron yokes with a chain running from them connecting with a long chain that passed between all of them; and then they had balls and chains on their feet.

MEN BITTEN BY THE DOGS.

Cross-examined by COUNSEL:

I could not tell for certain the month when I saw this man who had been bitten by the dogs, but I think it was the latter end of June.

THE HANGING OF THE RAIDERS.

I could not tell what the charges against these men called "raiders" were. I heard many reports about it. They robbed prisoners and cut their throats. I think they were bad fellows. I never saw any one they murdered, but I have heard that they murdered men. I had nothing to do with bringing them to justice; they never injured me. I could not tell how many there were in all the gang. I could not tell for certain whether they were a large number; there were but six hung. I did not know the gang. The complaints were going on from the time I came there till the time the six men were hung. I got there the night of the 17th of March, 1864. It was going on for two or three months. I suppose their number increased. There was much fear on the part of the peaceable prisoners. The peaceable prisoners were assaulted and beaten by them very frequently. I never saw anything of their being driven to different parts of the stockade and kept there. I saw one man right below me in a tent not further from me than you are now. There were three or four men came to him and hallooed to him and told him they wanted him; that he had a blanket of theirs. The man was lying in bed, or on the ground, what we called lying in bed; they got him out and got him up against the stockade; this was before

the dead-line was put up, and they took from him a pair of boots, I think, about five dollars in greenbacks, and some confederate money. They could not find the blanket, so they let him go. I do not know that Captain Wirz had anything to do with trying them; but the day they were fetched into the stockade to be hung, he had a guard that fetched them in, and he came in ahead of the guard on his horse. When he gave the men up he said—I do not know whether he called us gentlemen or prisoners—that these were the men who were brought out a few days ago, and that he returned them to us as healthy and as well as they were when he took them out, and that we could do with them what we chose. He did not say anything to us as to what had been done to them.

SEPTEMBER 19, 1865.

D. S. ORCOTT, for the prosecution:

I was in the military service of the United States, in the 11th Pennsylvania cavalry, company L. I was taken prisoner and taken to Andersonville. I arrived there on the 22d of July, 1864. Captain Wirz was in command there at that time. They put me in the prison.

CRUELTIES COMMITTED BY WIRZ.

We arrived there about 10 o'clock on the 22d of July, 1864, and were marched up before Captain Wirz's headquarters, and were kept standing there in the hot sun for three hours without any water. We had been seven days on the road and the men were dry, and he would not allow us to have any water. One of the men stepped out of the ranks and asked for a drink of water. Captain Wirz told the guard not to allow him to go out. He told the guards that if any of the men attempted to leave the ranks to kill them, to shoot them. One man stepped out and Captain Wirz came along and said, "Kill the damned Yankee son of a bitch." The guard hit the man over the head with his gun and knocked him down. His head was cut open and he lay there; he could not speak. I could not tell the appearance of the wound. I was not close enough to him, but I could see the blood flowing freely. The man did not die while I was there. There was a man of my regiment who got sun-struck and was left out there. He came into the stockade afterwards, and he told us that the man died two or three hours after we left. He did not state any declarations of the man at the time he died. I do not know the name of the man who was killed. He belonged to the 5th Pennsylvania cavalry. I think he was a private. The date this occurred, as near as I can tell, was the 22d of July.

SHOOTING OF PRISONERS BY THE GUARD.

I saw a man shot at the brook one time. I do not know what time it was; some time about the 1st of August. I don't know his name and regiment. I was standing at the time dipping up water at the brook; there was quite a crowd there; the man who was shot was not within six feet of the dead-line at the time; I was standing nearer to the dead-line than he was; one man who was dipping up water got under the dead-line, and the guard shot into the crowd. He did not shoot the man who was dipping up water and who was under the dead-line, but he fired into the crowd and hit this man. The man died. I did not see Captain Wirz present at the time. I did not hear anything said at the time about him.

THREATS OF WIRZ.

I heard the prisoner, Captain Wirz, say something about giving land to the federal prisoners there. While we were standing in front of Captain Wirz's headquarters, a wagon came out with a load of dead in it, and one of the boys

spoke up and asked what was in that wagon. Captain Wirz said, "it was Yankees going out to get their land warrants." He said, "We are going to give you all land warrants of the same kind, six feet of land, or land enough to bury you," or something like that.

Counsel for accused declined to cross-examine the witness.

TREATMENT OF THE SICK.

SEPTEMBER 19, 1865.

Major ARCHIBALD BOYLE, for the prosecution:

I am major of the 12th United States colored troops. I was a prisoner at Andersonville. I was captured at Ocean Pond, Florida, on the 20th of February, 1864. I was captured while in command of my regiment, which was styled at that time the 1st North Carolina volunteers. I was taken to Andersonville; arriving there about the 14th of March. I stopped in the stockade at Andersonville until the 16th or 17th of June, when I was sent to the hospital. Previously to that I had been refused admittance into the hospital, and had been refused all medical attendance. I was very severely wounded. I received a flesh wound in the body and a very severe wound in the lower part of the right leg, fracturing both bones. On arriving at the hospital I was in a very reduced state from the effects of my wounds and from exposure and starvation, and from several other causes. My wound was in a very bad state; it was full of gangrene at the time. On the 14th of March, 1864, I came into the stockade feeling very faint. I heard there was a hospital inside the stockade, and I got some men to help me up there. I was on crutches at the time. I went in, and one of our own men, who was acting hospital steward, commenced to bind up my leg, and was binding it when Surgeon White came in and ordered him to desist, saying at the same time, "Send him out there with his niggers," or something to that effect, and using an oath at the same time. I said nothing, but merely looked at him. The hospital steward finished the dressing of my leg, and it was cared for by our own men afterwards. I was in full uniform then, as I am now. At the time I was captured I had on sword, sash, and belt. About the latter part of April, I should judge, I went up to the hospital, which was in the stockade at that time, and while there the hospital steward, Robinson, who was the right-hand man of Dr. White, came in and asked me if I was the major of a negro regiment; I told him I was an officer in the United States military service. He asked me what regiment, and I told him. He said, "You are the man. Now I want you to go out of this." I asked him who he was, and he told me that was none of my business. He went out himself. I stopped there. I did not consider that he had any right to order me out, so I stopped there. A little while afterwards Mr. Burns, one of our own men, who was acting as hospital steward, came in and said to me, "This man Robinson says that if I do not persuade you to go out, he will ball and chain you." Under those circumstances I went out. I afterwards learned, however, that the language he used to Burns was, that if I did not go out he would shoot me and ball and chain him. Robinson was a confederate hospital steward; I think he was the chief steward of the post.

OFFICERS OF THE UNITED ST TES COLORED TROOPS REFUSED RECOGNITION AS OFFICERS.

While I was there I demanded to have my rank recognized. I made several demands. I was used in every respect the same as private soldiers, only worse. I made a demand on Colonel Persons, when I was in the stockade; I think so, but I will not state positively. However, after I was refused treatment in the hospital, in June or July, I made two demands on Captain Wirz. The first

time he said he would see me about it. This was about October, 1864. The next demand I made, he sent in after me and I went out and saw him. A day or two afterwards he sent me with a letter, under charge of an officer, to see General Winder. Captain Wirz said that he could not do anything, as he was merely a subordinate under General Winder. When I got to Millen an officer came to me and got my name, rank, and regiment. The officer commanding at Millen, Captain Bowles, put me in the stockade again and refused to put my name on the register, saying at the same time that I should never be exchanged. I left Andersonville on the 18th of November, I believe. I saw Captain Wirz frequently while I was there. He saw me frequently. I was dressed in uniform.

Cross-examined by COUNSEL:

Captain Wirz never committed any personal violence against me.

Q. Did he tell you he was sorry he could not treat you better?

(Objected to by the judge advocate on the ground that the prisoner should not be permitted to make testimony for himself.

Objection sustained.)

I left Andersonville on the 18th of November, 1864, and arrived at Millen on the 20th.

Q. Did Captain Wirz while you were there, at any time, express any desire to have you exchanged?

(Objected to by the judge advocate on the ground of indefiniteness, and objection sustained.)

The JUDGE ADVOCATE. In connection with the testimony of the witness, I desire to introduce as evidence a letter contained in Captain Wirz's letter-book.

There being no objection, the letter was put in evidence. The following is a copy:

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
Camp Sumter, Ga., November 28, 1864.

I have the honor to forward to you under guard, in charge of Detective Weatherford, eight prisoners of war, to wit:

A. Boyle, major 35th United States. He was captured at Ocean Pond, Florida, while in command of a negro regiment; he has not been recognized as an officer, although he has made several attempts to be recognized and exchanged. I forward him to you to enable him to see the general commanding.

John Brooker, company "A" 39th Ohio. James Weeks, company "A" 39th Ohio. The papers which you find enclosed will design their status.

J. R. Jones, company "I" 12th New York. Bernard McNalty, company "G" 82d New York. These two men have been here some time; were paroled by me to do work on the outside; refused to work any longer.

Jos. Brown, company "G" 10th Illinois. John A. Jeffries, company "G" 10th Illinois. These two men were sent here from West Point on yesterday. I forward them, having no guard to guard the stockade.

J. A. Core, company "G" 78th Ohio, who came with the above two men; he claims to be a deserter. I refer you to the enclosed statement of Captain Provost Marshal Thomas Dacy, at Newman, Georgia.

I remain, colonel, most respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison.

Colonel H. FORNO,
Commanding, &c.

By COUNSEL for accused: Was that letter sent with you when you were sent to Millen?

(Objected to by the judge advocate unless counsel for the defence should adopt the witness as his own.

After deliberation, the objection was sustained.)

SEPTEMBER 19, 1865.

WILLIAM BULL, for the prosecution:

I have been in the military service of the United States, in company "A," Means's Independent Loudon Rangers, from the State of Virginia. They were loyal. I was a prisoner at Andersoaville. I arrived there the 3d of June, 1864. When I got there I was put in the stockade, where I remained eight months. I then got out on parole, and was out three months and twenty-three days. I left the stockade the 24th March, 1865.

THE RATIONS.

The rations were pretty poor while I was in the stockade. I think they got worse towards the last three months. In fact I know it, for we got smaller rations. I was at the depot at Andersonville in January, February, and March, 1865. I saw storehouses there. There was plenty of pork, beans, and peas, in them. I saw vegetables outside the stockade during the summer of 1864 for sale. The articles were cabbage, corn, and potatoes. I saw melons and peaches too. I helped to carry a barrel of rotten pork from Captain Wirz's house to the depot. It was rotten, and stunk bad, and was placed among the rations that were sent into the stockade. I helped to take back a barrel of fresh pork in place of it. The pork was exchanged by order of Captain Wirz. I worked for Colonel Thomas, next door, and was sent in for to help to take it down. The bad pork was put into a pile, and was issued out that afternoon to the stockade.

THE SUPPLIES FROM THE NORTH.

I saw sanitary clothing there. Out of every hundred men about ten got a little—pants or something of that kind. I saw rebels have it on—pants, shoes, and blankets. I do not know how they got them. I saw some rebel sergeants have them. Captain Wirz gave me orders, when I went to Colonel Thomas's house, not to go into his house. Mrs. Thomas, the lady I was working for, told me one day to go over there. I told her what Captain Wirz had said. She said that it made no difference, and she sent me over with a note. I passed through two or three rooms in Captain Wirz's house, and in one room I saw two or three boxes. I had heard that he had some shoes there. I looked into one box and saw some sanitary shoes in it. I do not know what was in the other boxes. I saw sanitary shoes on his nigger's feet which he had given to her. I saw two or three pair that she had got. These boxes were common shoe boxes, about a foot and a half wide, and four or five feet long.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw several men shot on the dead-line. For the whole eight months I was there, I think I saw in the neighborhood of eight or nine men shot. I do not know the names of any of them. The first man I saw shot was the afternoon that I entered the stockade—the third of June, 1864, at the north gate. Captain Wirz came in at the head of the detachment. He put three guards on the stoop, and ordered them to fire at the crowd to make them keep back. As we came along in he kept telling them to keep back, and he told the guard to fire. At last one of the guards did fire and shoot a man. The ball struck him in the stomach. The sentry was not 15 feet from him when he fired. There were three sentries together; only one sentry fired. The next man I saw shot was about two months after that. He was inside the stockade, at the stream which ran through it. I think the man had come in the same day. He went down to the brook to get water, stooped over to get a drink, and was killed. He was shot right through the head. The ball went in at the right ear and came out

at the other side. I do not know that man's name or regiment. I do not know by whose orders he was shot. All the orders I ever heard given there were given by Captain Wirz. I heard none given at that time. There was no one on the post but the sentinel. The next man I saw shot was in September, 1864. I was lying in the stockade about six feet from the dead-line, asleep. I lay right next him, within three or four feet of him. It was the habit at night to call out the hour. This guard was asleep, and when it came round to him to call the hour the guard below him kept hallooing to him to wake up. He woke up and fired right down into the camp, and shot a man through the knee. The man died two or three days afterwards. I do not know his name; he belonged to an Illinois regiment. I should judge this was about the middle of September. The next man I saw shot was about the 15th of July about three or four days after the execution of these men at the south gate. It was doctor's call in the morning, and the crowd was rushing up. The orders from the doctor were to fire on the crowd if they did not keep back. This man was so sick that he fell over on the guard, who fired at him and shot him through the right shoulder. I do not think he died. I recollect one being shot back of the hospital, inside the stockade. He was a crazy man. He was shot right through the head. He ran over the dead-line and asked the guard to shoot him. That was in January, 1865, a few days before I came out on parole. He was killed instantly. I did not see Captain Wirz present at the time. I do not recollect, now, seeing any other men shot.

CRUELTIES COMMITTED BY WIRZ.

On the 3d of June, 1864, the day I went to Andersonville, we were drawn up in a line. A young fellow named Doherty, belonging to my company, started after some water. Captain Wirz was counting at the head of the men, and the young fellow asked Sergeant Smith, who was standing right by, if he could go and get some water. Smith said he had no objection. Captain Wirz came along and asked where that damned Yankee was going. He caught hold of him, kicked him three or four times, and put him back in the ranks. I do not know any other incident of that character.

SHOOTING OF PRISONERS BY THE GUARD.

Cross-examined by COUNSEL:

I did not see Captain Wirz present at any time when one was shot.

THE SUPPLIES FROM THE NORTH.

I did not see the sanitary goods come there at all. I saw boxes at the depot, but I do not know what was in them. I saw sanitary clothing on confederate soldiers in January, 1865. The clothing was brought there while we were getting out of the route of Sherman. It was distributed in the hospital; and I suppose that which was in Captain Wirz's hands was the remains of what was not given out. It came there, I suppose, during the time when we were taken off to Blackshire and Thomasville. I left Andersonville about September, and came back in January. After I came back I saw this clothing on confederate soldiers. I saw half a dozen or a dozen wear it; pretty nearly every sergeant had it on. It was not uniform dress; it was citizen pants. I think I saw about half a dozen wearing this clothing. That is all I saw wearing it. I suppose they got them from the boxes. I do not know but that they bought it. I know that one of them told me——(interrupted by counsel for the accused.) I saw some of them wearing sanitary shoes. I saw three or four every day with a new pair of shoes on; I think it was in the same month. I do not know where they got them. Captain Wirz had about half dozen boxes in his house. I think some were ordinary

shoe boxes and some clothing boxes. I looked into only one. There was only one open, and that had shoes in it. I never saw any trading going on between our prisoners and confederate soldiers; not in respect to clothing.

THE MEANS OF TRANSPORTING STORES TO ANDERSONVILLE BY RAIL.

SEPTEMBER 19, 1865.

W. A. GRIFFIN, for the prosecution:

I reside in Nashville, Tennessee. During the last eighteen months I have been conductor on the Southwestern railroad, running from Macon, Georgia, to Eufaula, Alabama, passing by Andersonville, Georgia.

Q. What have been the means of transportation on that road for transporting materials of war, provisions, &c.?

A. We had sufficient transportation, I believe, generally from Macon to Eufaula.

Q. For all the purposes required?

A. As a general thing, I believe so.

Q. Did you run both on passenger and freight trains?

A. I ran a few trips as a freight train conductor, but as a general thing I ran passenger trains.

Q. Were you ever required to hold over freight trains for many trips before you were well able to carry it?

A. I knew nothing about transportation generally. As a general thing the passenger conductors rode down one day and back the next day, and then lay over one day.

Q. Did you observe many freight trains on the road?

A. Freight trains were passing. I would pass them day in and day out.

Q. Is that a timbered country?

A. There are any amount of saw-mills throughout that country along the line of the road. I saw divers of them.

Q. Was lumber being hauled over the road?

A. As a general thing there were lumber mills all the way through from Macon to Eufaula.

Q. Do you know any reason why lumber could not be carried to Andersonville?

A. I do not.

Cross-examined by COUNSEL:

I think it is 143 miles from Macon to Eufaula. Andersonville is 60 miles from Macon. I do not recollect exactly when I commenced running trains from Macon to Eufaula. I think it was in the fall, 1864. I do not recollect whether it was as late as November. I think I ran a freight train on that road about two or three weeks. It was after I had been running on the branch road, which was somewhere in the first part of 1864. The branch road connected with the main road at Smithville, 22 miles this side of Fort Gaines. It was about nine months after I had been running on the branch road that I commenced to run on the main road, from Macon to Eufaula. I think I ran on that branch road in the latter part of April, and I think about seven months after that I commenced running on the road from Macon to Eufaula. I was sick between times. The freight train that I was on did not run from Macon to Eufaula; from Albany to Macon. I ran freight trains from Macon to Eufaula only once or twice, as an extra conductor. The freight trains would generally have from ten to fifteen cars. I cannot state how many I took at that time. We would carry divers freight in these freight trains. I carried stores of different kinds. I cannot name any articles that I carried, because my list was sent through by a passenger train. I have no idea what I carried these two or three times. I cannot

swear to it. I do not recollect how many months I was running passenger trains. I could tell by referring to my book. I have no idea how many saw-mills I ever saw along that road; there were divers of them. I have seen several in operation as I passed. I cannot say how many. I have seen as high as five. They were sawing lumber; plank, principally. I cannot tell whether it was one-and-a-half-inch or two or three-inch plank. I saw divers of piles of boards near saw-mills. I cannot say how large piles. I have seen a good many logs standing at saw-mills. Some of the mills were steam-mills and some were water-mills. I cannot give the name of any one place on that road where a saw-mill was located.

SEPTEMBER 19, 1865.

JAS. H. BURNS, for the prosecution:

I was in the military service of the United States, in the 10th Connecticut, company "I." I was a prisoner at Andersonville for nearly eight months, from February 23, 1864, to the 7th of September. I saw Captain Wirz while I was there.

A PRISONER SHOT BY WIRZ'S ORDER.

I have known him ill treat prisoners in his custody. I saw him order the guard to shoot a man named Chickamauga for going inside the dead-line.

THE STOCKS.

I was put in the stocks once myself, under his orders, for trying to make my escape. I heard him order the guard to put me there. I was kept there 24 hours or thereabouts, with nothing to eat or drink. That was either on the 13th or 14th of July, 1864.

CRUELTIES COMMITTED BY WIRZ.

I saw Captain Wirz come in there one morning to call the roll—one morning in July, 1864 He came in and knocked some of my comrades around, and used harsh language to them. He drew his revolver upon me one morning, but he did not use it. I have known him fire into a crowd of prisoners. One morning a stone or brick was thrown at him as he came into the camp, riding on his horse. He immediately drew his revolver and fired into the crowd of prisoners in the stockade. I never heard any complaints made to him to my knowledge. I remember no instance of death resulting from shooting or otherwise by Captain Wirz. That is all I remember now about what I saw and suffered down there.

STOPPAGE OF RATIONS.

He stopped the men's rations once on the 3d or 4th of July; at least it was said that it was he who stopped them. Next day the meat was brought in in a condition not to be used. That was said to be under his orders.

CANNON FIRED OVER THE STOCKADE.

I was in prison at the time a shot was fired over it. There was a solid shot fired over the camp one day. The prisoners had rushed down near the gateway to see some new prisoners who were coming in. There was a solid shot fired over the camp, going toward the northwest corner of the camp. I do not know the date, but I should judge it was in July, 1864. The guns pointed toward the stockade. All the artillery that we could see was turned toward the camp. I saw eight pieces to my knowledge bearing on the camp. I saw them in that position for three months.

THE ORDERS TO THE GUARDS.

I heard Captain Wirz tell the guard, "Shoot the first Yankee that undertakes to make his escape or anything of the kind. The more we shoot the less we will have to feed or fight." That was one morning that I was going after wood. It was in the month of June.

Cross-examined by COUNSEL:

I saw no one shot in consequence of that order.

CANNON FIRED OVER THE STOCKADE.

No one was hurt when the solid shot was thrown over the camp. It went over the camp.

THE STOCKS.

I never saw any one hurt, personally, by Captain Wirz. He kept me in the stocks nearly twenty-four hours. That was the time I attempted to run away.

MEDICAL TESTIMONY.

SEPTEMBER 20, 1865.

Dr. AMOS THORNBURG, for the prosecution:

For the first year of the war I was at home; the second year of the war I went into the army of Tennessee, the rebel army. I went in as a private. The first day I got to camp I was promoted to assistant surgeon. I was appointed by the colonel. I acted in that capacity until the 20th of October, 1852, when I went before the medical board and was examined and recommended for appointment, and I was appointed. My commission bears date October 29, 1862. I served a little over two years in the field, except what time I was a prisoner. On the 10th of March, 1864, I was relieved from field duty on account of my health and sent back to a hospital at Oxford, Georgia. I staid there two or three weeks, and was then ordered to Andersonville to report to the commander of the prison there. I reported there on the 14th of April, 1864. I reported to Colonel Persons, who was in command of the post. He sent me to Dr. White, the surgeon of the post, and Dr. White assigned me to duty in the stockade. I prescribed in quarters there for two or three months, and was then assigned to duty at the hospital outside the stockade by Surgeon White. He was the surgeon in charge of the prison as well as the hospital. I then remained in the hospital until the post was broken up, about the 5th of May, 1865, as well as I recollect. I think the hospital was removed outside the stockade in June or in the latter part of May. I remained prescribing in quarters part of the time inside the stockade, and the remainder of the time at the gate, I suppose till the latter part of June. I have no data to fix the time when I was sent to the hospital for duty. From the time I went there until I left, Captain Wirz was in command of the prison. I understood it was his business to keep the prisoners inside the stockade, to keep them safe. That was the bill at his office, "commandant of the interior of the prison." I cannot state that I did know the exact scope of his authority. I think General Winder was there two or three months. I think he was there in June, July, and August, 1864. I do not know from what place he came to Andersonville. I understand that he came from Richmond. I never had any talk with him about his command there. I had no occasion to call upon him but once, and that was on private business.

CONDITION OF THE HOSPITAL, SUPPLY OF MEDICINES, RATIONS OF THE SICK, ETC.

While I was on duty in the hospital I frequently made reports to Surgeon White in regard to the condition of the hospital, when I was officer of the day, which would happen generally about once or twice a week.

(A paper was here handed to the witness.)

That is a copy of one of my reports. I think it is a true copy. I also made reports to Dr. Stevenson; this report was made to Dr. Stevenson. I found Dr. White in charge when I went there on the 15th of April, and he remained till about the time the prisoners were removed to Camp Lawton. I think he went with General Winder. That was in the beginning of September. Surgeon R. R. Stevenson succeeded him, and continued chief surgeon until the latter part of the month of September, 1864; I think about the 25th. Surgeon H. H. Clayton succeeded Dr. Stevenson, and continued in charge until the place was captured by General Wilson or the post was abandoned.

(The paper shown to witness, and of which the following is a copy, was then placed in evidence:)

C. S. M. F. HOSPITAL,
Andersonville, Georgia, September 26, 1864.

SIR: I would most respectfully call your attention to the very bad sanitary condition of the second division, as well as the whole hospital, to the immense quantity of filth accumulating in the streets, and to the filthiness of the tents and patients, and to the fact that it cannot be otherwise until we are furnished with the means with which to work. Patients lying on the cold ground without bed or blanket, and also that we have a very scanty supply of medicines, and that the rations are not of the proper kind and not issued in proper quantity. Hoping that the proper steps may be taken to remedy these defects,

I am, sir, your obedient servant,

A. THORNBURG,
Assistant Surgeon, P. A. C. S.

R. R. STEVENSON,
Surgeon in Charge.

When Dr. White was in charge I made similar reports to him. This was not the only report I ever made to Dr. Stevenson on the subject; not by a great many. There was a quantity of hospital clothing, bed sacks, sheets, &c., sent there, I think a short time before Dr. White left the post. I do not know the number, but there were several bales. When Dr. Stevenson was in charge I was in charge of the surgical ward in the second division, generally known as the gangrene ward. I had for that ward some scaffoldings fixed up for bunks, and I frequently made application for bed sacks, sheets, &c. I got a few bed sacks, but they would soon become dirty and I would send them off to be washed, and perhaps not see them any more. The next thing I would see would be some prisoner with a pair of pantaloons on made out of a bed sack, and I would make application for more. I knew that the prisoners needed the things, being destitute of clothing, and I made no complaints about their taking them. I very seldom got anything that I made requisition for. Dr. Stevenson never offered me any excuse. Sometimes, when I would talk to him in person, he would tell me that he aimed to have a hospital constructed, when he could use these things and have them better cared for, but that if they were issued in there they would be made way with, and it would be a clear loss to the government. That time did not come while I was in charge. The only hospital we had at that time was a tent. After Dr. Clayton took charge, about the first of January, 1865, he began for the first time to construct a hospital, and he had it pretty well on towards completion at the time the post was broken up. It was not entirly completed. It was used. We got all the sick out of the tents into those sheds that were built for the purpose of making a hospital. The food that was issued was such as the other prisoners and the soldiers outside could get from the commis-

sary, mostly bacon, beef, or pickled pork. The bacon was generally very good; the beef sometimes was rather poor. The pickled pork that came in was very frequently partly spoilt; it smelt badly, was hardly fit for use, and we had at times condemned it and sent it back. The meal that was issued was very coarse, and at first was not sifted even for the hospital. That was under Dr. White. There were very few vegetables issued during his administration. Sometimes we would get a few collards, and tomatoes, and sweet potatoes, &c., but in very small quantities. That was under Dr. White. It was a little better under Dr. Stevenson; but very little was issued—not enough to supply the demands of the sick. The cooking department was also very bad; we had to cook in large kettles, such as is used in boiling sorghum, and the things could not be cooked as they should have been. The vegetables were sometimes issued raw and divided out among the prisoners, and the quantity was very small. They had sometimes to get their comrades to cook them, and they generally charged a portion of the articles for cooking them. They complained to me that what few vegetables they did get did them no good, which I knew to be a fact, and so reported in some of my reports.

The supply of medicines was generally insufficient. The surgeon in charge would generally make a requisition for medicine to have it on the first of the month, but it was usually the 10th before we got the supply, and when we did get it, such articles as opium, quinine, and other valuable medicines, which were very scarce in the confederacy, would be exhausted in the course of ten or twelve days, and we would have to rely on such indigenous remedies as were furnished by the medical purveyor. We had large quantities of them, but we had no laboratory to prepare them properly. They were generally put up in decoctions and infusions by the hospital steward. The prevailing diseases were scorbutus, gangrene, diarrhœa, dysentery, intermittent and remittent fever, typhoid and typhus fever. Proper provisions were the remedy that was needed for scorbutus, gangrene, and kindred diseases; it was a waste of medicine. What medicine we gave I considered thrown away, because we did not have proper diet for the patients, and consequently the medicine did no good; yet they were very anxious to get medicine to relieve them, and we would prescribe what we had and have it administered to them, but I looked upon it as a waste of medicine, because we did not have proper diet. I regard diet as the main thing in the treatment of most of the diseases we had to contend with. We had a great deal of hospital gangrene at one time.

THE HOSPITAL FUND.

I never knew much about the hospital fund. I only knew that there were orders from the war department, the assistant inspector general's office, that the prison hospital should be on an equal footing with the confederate hospitals, and that the surgeon in charge should be allowed to draw the same fund. A portion of the time the fund was a dollar a day for each patient, and after a while it got to be two dollars and two and a half dollars a day. I think it amounted to that towards the last, but I did not see the order. I know of no reason why it could not have been drawn at Andersonville. It was generally drawn at other hospitals. The fund was sufficient to buy vegetables for the confederate hospitals, and sometimes large amounts of the fund were turned over to other and more needy hospitals. My understanding was—and I had a little knowledge of it, too—that if they did not use all the hospital fund for that purpose, they were allowed to use it for other purposes, such as fitting up the hospitals. There was an order issued from Richmond directing that the surplus fund be turned over to the quartermaster at the end of each month. I do not remember the date of the order. I saw the weekly account current one time in the hands of the hospital steward, Mr. Kerr. I had made complaints to him about the

condition of the patients and the condition and the amount of the rations that came in and the amount of vegetables and other nourishing diet that was to be bought with the hospital fund. Mr. Kerr, to convince me that these things were sent in, showed me the weekly statement for that week. In looking at it I remarked that those things never came into the hospital—at least, that no considerable part of them had come in, and I made some little complaint about it to the other surgeons, and we began to talk about having an investigation of the matter. We called on Mr. Kerr after that for the book, but he remarked that Dr. Stevenson had it in his charge, and we were not allowed to see it. I never saw it after that until Dr. Stevenson left and Dr. Clayton took charge. At that time, myself and three or four other surgeons went up and asked Dr. Clayton to let us see the account current. He showed it to us, and on examination we found that large quantities of things which appeared by the book to have been bought had never come into the hospital. We made a statement of the facts to the surgeon general and forwarded it by mail. A few days afterwards Dr. Eiland was ordered to Montgomery. He had taken an active part in this investigation, and we requested him as he went through to Montgomery to stop at Columbus, Georgia, and make a statement to the medical director. He did so. At the time he made that statement, Dr. Gilliard, one of the surgeon general's assistants, happened to be at Columbus, in the office of the medical director. He and Dr. Flewellen came down immediately and investigated the case, and found that there had been some errors in regard to the hospital fund. Dr. Stevenson went to Columbia, South Carolina, and was there the last news I had from him.

THE CAUSES OF THE GREAT MORTALITY.

The mortality was generally great while I was at Andersonville. I attribute it to the want of proper diet and the crowding together of too many men in the prison and in the hospital. There was too small a space of ground for the number of prisoners we had there. There was a great lack of shelter and a lack of fuel. I think that was also a cause of mortality. I believe that is all the causes I can recollect just now.

TREATMENT OF THE SICK IN THE STOCKADE.

The worst cases that were in the stockade were brought generally to the hospitals for treatment. While I prescribed there, for the first few months the hospitals outside were very much crowded, and they could not make room for all the patients that ought to have been sent out. I would sometimes prescribe while at the stockade gate for five hundred patients in a day. In order to do that we had to prescribe by formulas; to make out formulas for different diseases and number them, and then just examine a man and set down the number of the prescription that he was to take opposite his name, with directions. Frequently there would be no vacancies in the hospital at all. Some days we could not send any to the hospital. At other times perhaps fifty, sixty, or a hundred men would have died during the day previous, and there would be that many vacancies, and we would be allowed to send in a *pro rata* number to fill those vacancies. There were generally some ten or twelve surgeons and assistant surgeons prescribing at the stockade gate, and each one would be allowed to send in a certain number to fill the vacancies. Some days we would send in one, two, three apiece, sometimes ten apiece, and some days, when the hospital would be enlarged, as high as thirty or forty apiece One day we sent three or four hundred among us out of the stockade to the hospital. I presume there were a good many in the stockade that could not come out, and if they did not have friends to carry them out in their blankets or upon their backs, they would perhaps not get prescriptions. Sometimes the sergeants who drew the rations

and had charge of the squads would represent to the surgeons the cases of men who were not able to come out, and had requested them to get certain medicines; and if the diseases were such as we could prescribe for, we would very frequently set the name of such a man down and the number of the prescription that he should have, and that medicine was then issued to the sergeant, and he delivered it to the man, I suppose. Deaths occurred in the stockade frequently. I suppose some died that never had got prescriptions. Sometimes there would be a very sick man brought from the stockade, and he would be marked in the surgeon's book for admittance to the hospital; he would have to remain at the gate until all the surgeons got through prescribing, so that the men who carried them to the hospital could discriminate and take the proper ones. It generally took us from eight o'clock in the morning till twelve o'clock noon before we would get through prescribing, and sometimes very bad cases would die while waiting there to be carried to the hospital. I had charge of so many divisions in the stockade, and frequently when a man from one of my divisions would die in that way, the clerk who kept the death register would ask me the man's rank and regiment and name, and the squad to which he belonged. Several men might have died at my post when I was prescribing and I could not recollect anything about any particular one. There would be two or three dead, and we could not identify them. After that I adopted the plan of writing the name, rank, regiment, and disease of each man on a piece of paper and pinning it to the breast of his coat or some part of his clothing. It worked very well, and I recommended Dr. White to issue an order requesting all the surgeons who prescribed at the stockade gate to adopt the same plan. He did issue such an order, and the system was adopted June, 1864. Up to that time there were more or less of these imperfect records. Very frequently men died in the stockade who could not be identified by any person in there, because men suffering from scurvy would frequently fall dead in the streets. It was also not unfrequently the case that a man was murdered in there, and murdered perhaps away from his friends, and he would be carried out of the stockade gate and nobody could identify him.

THE HOSPITAL REGISTER.

So far as the names of the men and the diseases that they had, the hospital register was kept with great accuracy. If a man came to me I would diagnose his case, and send him to the hospital with a statement of the disease which I considered that he had. That was generally entered upon the register, but, perhaps, he would have half a dozen supervening diseases after he went into the hospital. The supervening diseases were hardly ever entered on the register, but generally only the disease with which he went from the stockade. I do not know what entry was made on the register when a man was shot in the stockade. I suppose the cause of death would be called "vulnis sclopeticum;" that is the technical name for gunshot wound, and I suppose that would be the entry. Such an entry might be in the case of a man who had received wounds on the field of battle somewhere.

Q. If a man in the stockade had been shot in the stockade, and the hospital register showed that he died of scorbutus, what would be the fact in that case?

A. I do not suppose the register would show that, unless the man so shot was a patient, and under treatment for scorbutus at the time.

Q. Examine the register now handed you, and examine it with some care, and state whether you recognize it, and whether it has any appearance of having been tampered with or changed since you saw it at the hospital.

(Objected to by Mr. Baker until the book was proved, and objection overruled.)

A. I recognize the book as being the hospital book kept at Andersonville. I

see no marks that would indicate that it had been tampered with, except some pencil marks on the margin, which I suppose are check marks.

(The witness pointed out the marks referred to.)

The hospital register was offered in evidence and accompanies the record.

F. M. TRYON, clerk to the commission, a witness on the part of the prosecution, being duly sworn, was examined as follows :

Q. Examine the register and state what the pencil marks are.

A. This book was given to me by Colonel Chipman to prepare an exhibit of the number of deaths, &c , which I did ; and, in taking off the number of deaths I made the check marks referred to by the witness.

The examination of Dr. AMOS THORNBURG was then resumed.

Q. Examine the three indexes of the hospital register handed to you and see if you recognize them ?

A. I do ; and, so far as I can see, they are all correct.

The books were put in evidence by the judge advocate, and accompany this record.

Q. I notice in this register very many entire columns representing that a patient was admitted, for instance, August 8, and died August 8, and in the column of remarks, " died in quarters," and again admitted August 9, died August 9, " died in quarters," and so on all through the book ; what does the remark " died in quarters" mean ?

A. I think Dr. Stevenson, perhaps, would have to make a report of those cases, and they would have to be reported as having died of something, and as having died in hospital. I think, perhaps, there was an order that caused him to report them on the death register in hospital, and yet in the remarks they are put down " died in quarters ;" that means in the stockade. I never knew how he fixed up that difficulty. There were a great many things in reference to the hospital that I never could understand, and this was one of them. I suppose " unknown" would be the entry in cases where the surgeon could not make out a proper diagnosis of the case. Those six men that were hung were marked as having died of " asphyxia." I do not recollect the date those men were hung, but I know they were all marked as having died of asphyxia I asked the clerk in the hospital how he had entered those cases, and he referred me to the book, and showed me that he had marked them " asphyxia."

The JUDGE ADVOCATE. On page 110 of the Hospital Record there are given the names of six persons who died of asphyxia, and in the column of remarks, " Tried by court-martial, and executed inside the prison ;" that is the record.

WITNESS. Those are no doubt the men who were hung.

Q. I notice on examining this register that a large proportion of the patients recorded as having been admitted died in hospital, many of them, the day they were admitted, or immediately after, and that a few seem to be recorded as " returned to the stockade." Will you state to the court what your observation was with regard to the proportion that were returned to the stockade after being treated in the hospital ?

A. Well, I have no data from which I can state how many were returned to the stockade. The proportion, however, was small. Sometimes a man would come to the hospital and be treated there and relieved of his disease, but in the mean time some of the surgeons would become acquainted with him, and, perhaps, would have him detailed as a nurse, or, perhaps he would be detailed outside the stockade for some other business, and hence he was not returned to quarters. The proportion actually returned to quarters was very small. I never met among my own patients—those I had treated myself—any cases where I was unable to give a diagnosis of the cause of death, and where I had to report the disease as " unknown." I have met with patients after they were

dead where I could not tell the cause of death. I have frequently seen men brought out of the stockade dead, and I did not know what they died of.

PROPORTION OF LIVES THAT MIGHT HAVE BEEN SAVED BY PROPER TREATMENT.

My idea is that a large proportion could have been saved by proper diet and proper quarters, perhaps one-half. I will say that one-half might have been saved if we had had proper nourishing diet and the proper kind of hospital accommodations.

CONDITION OF THE PRISONERS IN THE STOCKADE.

There was shelter erected in the stockade. I cannot give the exact date when. It was, perhaps, in August. There were five or six buildings, five, perhaps, commenced at the north end of the stockade. They were completed, perhaps, in August. I cannot say anything as to their capacity, as I was never in the stockade after they were built; and then later in the year, or, perhaps, at the beginning of this year, there were some four or five other sheds erected at the south end of the stockade. I was not in the stockade after they were finished, but I have been on the north side of it where I could see in, and I generally saw them pretty well crowded. That was the extent of the shelter. That is all the shelter I know of having been built in the stockade, excepting what the prisoners erected themselves out of pine boughs, blankets, &c. I was there during the winter. I considered it a very mild winter, having been used to a colder climate, yet we had some frost and a little ice; perhaps we had ice once or twice.

Q. Remembering the condition of these prisoners, and the scanty supply of fuel they had, was there weather there that would have killed men—frozen them to death?

A. Yes, sir; I suppose there was, in their emaciated condition. I do not know of any cases of that kind. I cannot give the temperature in summer in that climate. I think I have not seen a thermometer since I have been in that country. Last summer, I suppose, the hottest day we had would not have gone over 96° or 98° in the shade. In the summer of 1865 I should think it went up to 108° in the shade. It was pretty hot in the sun. I could not tell how many degrees in the sun.

The JUDGE ADVOCATE:

I call the attention of the court to page 337 of the hospital register, where I find this record: "T. Gerrity, 106 Penna., frozen to death; admitted January 3; died January 3; died in the stockade."

Witness continued:

I cannot give the temperature under the rays of the sun in summer. It would be mere guess-work. A man who had to ride in it, as I have had to do, would think it was almost up to boiling-point. I suppose it would run up to 150° in the sun. I never saw it tried, but I would think so. In that remark I refer to the summer of 1865. It was not so high at any time during the summer of 1864, because that was a wet summer.

Q. Would the heat be somewhere in that neighborhood?

A. I think that would be a fair proportion. When the thermometer was over one hundred in the shade, I think it would stand a great many degrees higher in the sun.

Cross-examined by COUNSEL:

That is mere guess-work. Some might have been frozen in the winter of 1864–'65. I know nothing of anybody freezing to death; I only stated that probably it might have occurred. I suppose about one-third of those in the stockade, in the latter part of the winter of 1864–'65, could be sheltered by the buildings which were erected in there. Those buildings that I spoke of, in the

north end of the stockade, were erected in the summer, perhaps in August. The others were erected in the fall or winter; I don't recollect the time, because I was not in the stockade, and I only saw them in passing on the north side, some time, perhaps, after they had been erected. The buildings which were erected in the fall or winter, together with those that had been erected in the summer, might have accommodated all the prisoners who were there in the winter by crowding them in very much. There were, perhaps, six or seven thousand in there in the winter, but they were almost all moved south of the brook that ran through the stockade. In 1865, I don't recollect the precise time, those buildings in the north end were taken for a receiving and distributing hospital. I do not think they were so used in the fall or winter of 1864. So far as I know, those buildings in the north end, as well as those in the southern part of the stockade, were exclusively for the accommodation of the prisoners. I suppose Captain Wirz had those buildings erected.

I made some reports to Dr. White. I reported the condition of the stockade. I do not think he paid any attention to those reports, no more than Dr. Stevenson. He gave no reason for not attending to my reports. I did not ascertain why he did not attend to them.

THE HOSPITAL REGISTER.

The hospital register was the property of the hospital outside the stockade I think that no one in the stockade, or having control in the stockade, had anything to do with that book. That book was the property of the government. It was in charge of Surgeon White first, the surgeon-in-chief. Other surgeons could examine it any day they chose. I presume that if the other surgeons had brought up a list of names of persons having supervening diseases, they would have had the privilege of entering them. The surgeons would make their reports to the surgeon-in-chief, and from their report he would order the book to be made up. I don't know that any of the surgeons ever tried to have anything put in that book or alter it in any way. There was no rule on that subject that I know of. I think, though, it would have been presumption in any of the medical officers to have made an entry in the book without the permission of the surgeon in charge. The surgeon in charge is responsible for what was in it when he gave it up. If anything has been put in it since, I don't suppose he would be responsible. I have not seen anything that has been inserted since. I cannot recognize any of the handwriting in that book; it was done by the clerks.

Q. Can you explain why it should be put in that hospital register that a person died in quarters?

A. The only way I can account for it is this: the surgeon in charge would have to make a report to the medical director, and also reports to the surgeon general, and he would perhaps enter sick men in the book as in the hospital, when they were not. I think his idea was to draw as much commutation for the prisoners as he possibly could, and as we had a great many sick in the stockade, perhaps he would enter those in the stockade as being in the hospital. Those that were in the receiving and distributing hospital, which was one division of the hospital, were in the stockade, and yet they were marked as in the hospital.

When I said "his idea was to draw as much commutation as possible," I meant the surgeon in charge. I think it would more particularly apply to those in charge latterly, Dr. Stevenson and Dr. Clayton. I don't think, however, that Dr. Clayton would have made an entry that he could not have explained freely. Perhaps it would not apply so much to Dr. White.

TREATMENT OF THE SICK IN THE STOCKADE.

The sick in the stockade were generally brought out to the gate, where the surgeons prescribed. Out of so many detachments a surgeon would prescribe for so many hundred. During one day I have prescribed for as many as five hundred. I always kept a prescription book. I had charge of only one division of the hospital at one time. I said I had charge of several detachments or divisions in the stockade. I had charge of several divisions in the stockade at one time. A great many prisoners were brought to Andersonville sick. The Belle Island prisoners were brought there before I was assigned to duty at that place. I don't know anything about their condition when they came there. Men brought from the field, for instance those captured in Virginia, by the time they got to Andersonville were, perhaps, a great many of them sick. They were bringing prisoners there from almost every direction. There was a while when they came in nearly every day. A good number of those were wounded and sick. It would be impossible for me to tell, when a person died from a gunshot wound, whether he died from being shot inside the stockade or from having the wound before he came there. I suppose that those who were well acquainted with the man, some of his comrades, might tell if they saw him. I don't know any other way it could be told. I could not tell how long a wound had existed, only from the history of the case. I had no means of telling whether a prisoner came there wounded or was wounded there, unless I saw him when he came. I never, to my knowledge, treated a person who had been wounded inside the stockade. I knew of a case of that kind being treated. I heard there were a few such cases. I witnessed an operation that was performed there one day, the amputation of a man's leg above the knee joint, the man having been shot by a sentinel, for what cause I do not know. I may have heard then, but it was hearsay. That is the only case I ever witnessed. I frequently saw men brought out of the stockade with some wound on them. I mean those who were brought out dead. I saw a few who had their skulls fractured; I suppose by their comrades. We understood it was by their comrades. I think I treated one or two who were said to have been wounded in the stockade by their comrades; that was the history they gave me. Of those who died a great number came there as wounded prisoners from other places, and others had come there sick.

Q. Was there any means by which any one could tell whether a person died from disease contracted before he came there or after he came?

A. It would be a very nice point to decide, if a man had come there sick. It could be done in some instances. Those men who had contracted scurvy at Belle island might have died with the same disease at Andersonville. When a man died of scurvy there was no means by which I could tell whether he had contracted it at Andersonville or had brought it with him from Belle island, unless we knew that he had it when he came there. The stockade was a receptacle of diseased and wounded persons, as well as a place where diseases originated.

Q. Was there any means of telling what portion of the persons dying there of various diseases died of diseases contracted there?

A. I don't believe I can answer that question. I don't know how I could make that discrimination. I do not know any way that any other physician there could make the discrimination. I treated five hundred per day, I think, in the early part of June, after the hospital had been moved outside the stockade. About the time the hospital was enlarged I was taken from the stockade and assigned to duty in the hospital. I never was interfered with by Captain Wirz while treating those prisoners there. He never showed any disposition to prevent me from doing all the good I could for them; on the contrary, I think he showed a disposition to have me do all I could.

By the COURT:

Under certain conditions blood might ooze from a gunshot wound for months, till the wound was entirely healed. In a healthy gunshot wound suppuration will generally set in in two or three days.

Q. Did you mean to say, in answer to a question in your cross-examination, that you could not tell a recent gunshot wound from one of long standing?

A. No, sir. I did not make that statement. If I made the statement I misunderstood the question. If it were a recent wound I could tell pretty closely how many days old it was, from the state I found it in. I do not know that after four or five days I could tell that it was a recent wound, because in that climate we have often suppuration very quickly.

The reporter, by direction of the court, here read the witness's testimony on this point in the cross-examination.

WITNESS. As to the question whether I could tell from a recent wound whether it had been received in the stockade or not, I could not tell unless I had the history of the case, because a wounded prisoner might have been received from a battle-field about the same time. For instance, we got some men who were wounded at Macon. A man might have been wounded in the stockade at the same time. If both men came into the hospital at the same time I could not tell which was wounded in the stockade and which on the field of battle.

THE HOSPITAL FUND.

By COUNSEL:

There were a great many things marked as bought on the weekly account current which never were bought, as was proven by the committee. We did not see them, and, consequently, they made an investigation of it. In regard to potatoes and other vegetables, there were larger quantities marked on the book as bought than ever entered the hospital. I do not think the surgeon got as much as he entered on the book as bought.

Q. That is an easy way of saying that there were frauds committed in that way; was that the understanding?

A. That is the way I regarded it.

Q. You have spoken of the rule that the surplus hospital fund was turned over to the government; did you mean to say that any surplus fund at Andersonville was so turned over?

A. I do not. There was a general order that if the hospital fund was more than sufficient, and accumulated, a certain amount, I do not recollect what, it was to be turned over to the government.

I do not think that fund ever accumulated at Andersonville. I think it was spent as fast as it was drawn. I have no knowledge of what was drawn. I think if the amount allowed by the government had been drawn, it would have been sufficient to have supplied those who were sick in hospital with abundance of nourishment.

In my investigation of the matter I did not ascertain whether all that ought to have been drawn was drawn; I merely examined the books. I do not recollect what amount I discovered from the books had been drawn. I think the hospital fund was drawn from the commissary; it should have been drawn from him, but I do not know whether it was or not. I cannot say that the commissary was the responsible person if the hospital fund was not paid over; he might not have got it from the government. I do not know of any one between him and the hospital who was responsible.

By the JUDGE ADVOCATE:

Q. In cross-examination, in reply to a question as to what reason the surgeon in charge could have for making false entries in the hospital register, you said

you supposed it was for the purpose of increasing the commutation. Explain what you mean; do you mean the hospital fund?

A. Yes, sir.

Q. Showing a larger number of patients?

A. Yes. In a private conversation Dr. Stevenson told me that the more patients he had on his report, the more medicines and the more hospital fund he could draw. That was in the latter part of 1864. He often told me his plans, and what he aimed to do. That was one of them.

THE RATIONS OF THE SICK.

By Counsel:

I think if I had been in charge of the hospital fund, and had the money, I could have obtained plenty of diet. I mean if I had been in command of the hospital as surgeon-in-chief. The procuring of the diet which was intended for the hospital, aside from the commissary ration, belonged exclusively to the surgeon-in-chief. He made requisition on the commissary department, and drew what they had to issue. It was his place then, after drawing the hospital fund, to buy what he wanted with that fund. The proper diet could not have been obtained in that immediate county, in that country, but it could have been obtained in the State. I would have required, for the prisoners and the sick, large quantities of vegetables, with eggs, butter, chickens, &c., everything that was nice and good. I would have required wheat flour. They got wheat bread, but not in sufficient quantities. They got wheat flour or bread pretty generally. A portion of the summer months of 1864, we could not get, or did not get wheat bread. After a while the surgeon in charge drew a quantity of flour—I do not know how much—and had wheat bread issued to the patients for whom it was prescribed. Those who needed it worst we would prescribe it for on the prescription book. In the latter part of the summer, and in the fall, several Catholic priests visited that place. They were allowed passes to go into the hospital to administer to the spiritual wants of the prisoners. I think they were also allowed to give them money. They did do it. They also sent a large quantity of flour, from donations made up, I presume, by the citizens, to Captain Wirz. It was baked up in the bakery and sent to Dr. Stevenson and issued to the hospital. I never knew of anything being sent to Captain Wirz, for the comfort of the prisoners there which he withheld from them. I never saw him refuse access to any one for the comfort and assistance of prisoners. There was an order—I do not know from whom it emanated—that no citizens should be allowed to go into the hospital or the stockade without a pass from Captain Wirz, or to trade with the prisoners, or to have any connection with them at all. I presume there was a good deal of trading with the prisoners, notwithstanding that order; I saw plenty of sign of it. It is almost impossible to restrict such things at a military prison, where the guards are not disposed to act according to their orders.

CONDITION OF THE PRISONERS IN THE HOSPITAL.

The hospital clothing came from the medical purveyors; I do not know whether from Columbus or Macon; we generally got supplies from those places. It was hospital clothing for the patients. I cannot speak as to the quantity. The bales had not been opened when Dr. Stevenson took charge. I do not know that there was really any clothing in them. They were hospital supplies—hospital furniture. There was clothing there after those bales were opened. I frequently saw shirts there. I did not state that the patients were made comfortable. They were not made comfortable; the clothing was not sufficient; it was not issued. It was issued towards the last, after Dr. Clayton got the

hospital built so that the sick could be moved into it. Then they had hospital clothing issued to them. They were much more comfortable after that than they had been, but were still deficient to some extent.

By the COURT:

The hospital clothing was issued in 1865, after the hospital building had been put up. The clothing was issued to all the prisoners who were sick. That must have been in April, 1865. The hospital clothing for the patients was sent there by the rebel authorities; they were not distributed in any quantity—some little.

By COUNSEL:

I do not know of Captain Wirz ordering clothing to be brought there for patients.

THE SUPPLIES FROM THE NORTH.

By COUNSEL:

I did not see the United States sanitary boxes there. I saw some sanitary clothing sent out. All that I saw had been issued to the men. I did not see any of it issued. I saw the prisoners wear it, and I heard them say it was sanitary clothing. I received some blankets for my division, that were furnished by the sanitary commission.

THE RIGOR OF GENERAL WINDER'S AND CAPTAIN WIRZ'S ADMINISTRATION COMPARED.

I think General Winder was there during the months of June, July, and August. I think the rules were much tighter while he was there. That was my experience. I had but little experience with him. I only speak of what I saw.

SEPTEMBER 20, 1865.

A. G. BLAIR, for the prosecution:

I was in the military service of the United States; in the 122d New York. I was taken prisoner on the 23d of May, 1864, at the battle of the Wilderness. I was taken to Libby prison first, and from that to Andersonville, where I arrived about the first of June. Captain Wirz was in command of the prison when I arrived there.

THE RATIONS.

I have heard a great many questions asked Captain Wirz about rations whenever he would come into the camp. His reply was generally an oath, saying that we would get all the rations we deserved, and that was damned little.

Q. Did he ever say he would not give you rations if he could?

A. I never heard him make that exact remark.

Q. Did he make any similar remark?

A. Several days during the fore part of my imprisonment there we had no rations. The report came from good authority that he was the cause of it, he being in charge of the camp.

(Interrupted by counsel for the accused.)

Question repeated.

A. I have not heard those words from his mouth.

Q. Did you hear any similar language used by Captain Wirz to that which I repeated to you? if so, state what the language was.

(Objected to by counsel for the accused on the ground that witness had already answered in the negative.

After deliberation the objection was overruled.)

A. On one occasion when he was asked by several of the prisoners who had not had any rations for twenty-four hours, when they were to have any, he made the remark that if the rations were in his hands we would not get any. That was in the beginning of July, 1864, just before or after the 4th.

TREATMENT OF THE SICK.

I have seen him stand at the gate when sick men were carried out. The men were very anxious to get out of the sun into the shade, and they would rush out to a small passage-way made in the large doors coming out, to suit him. I have seen him shove the well, and the sick who were being carried, over on their backs; or sometimes he would order the guards to do it. The condition of the men taken out of camp into the hospital was hopeless—all that I ever saw taken out.

THE STOCKS.

I escaped from Andersonville in the latter part of July or the fore part of August, and got about thirty miles from the stockade when I was captured and brought back to the camp. I was kept over night, and then was put in the stocks. The first day that I was taken out of the stocks I was not put in the stockade that night. I was put in the stocks the next day, and then was returned to the prison with three other comrades. I do not recollect the exact number of hours I was kept in the stocks; I should think five or six hours.

Q. Did the prisoner give any orders in reference to your being put in the stocks?

A. Just before I was put in the stocks I saw him give some orders from his headquarters, and I supposed that those were the orders.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw prisoners shot on or near the dead-line, on several occasions. I was down, in the fore part of my imprisonment, to get water at the creek. That was the only resource for obtaining water, except you had a right in one of the wells. The crowd was very great there. It was absolutely necessary sometimes either to get over the dead-line or to thirst. I have seen men on five or six occasions either shot dead or mortally wounded for trying to get water under the dead-line. I have seen one or two instances where men were shot over the dead-line. Whether they went over it intentionally, or unconsciously from not knowing the rules, I cannot say. I think that the number of men shot during my imprisonment ranged from twenty-five to forty. I do not know that I can give any of their names. I did know them at the time, because they had tented right around me, or messed with me, but their names have slipped my mind. Two of them belonged to the 40th New York regiment. Those two men were shot just after I got there, in the latter part of June, 1864.

Q. Did you see the person who shot them?

A. I saw the sentry raise his gun. I hallooed to the man. I and several of the rest gave the alarm, but it was too late. Both of these men did not die; one was shot through the arm; the other died; he was shot in the right breast. I did not see Captain Wirz present at the time. I did not hear any orders given to the sentinels, or any words from the sentinels when they fired; nothing more than they often said that it was done by orders from the commandant of the camp, and that they were to receive so many days' furlough for every Yankee devil they killed. Those twenty-five or forty men were shot from the middle of June, 1864, until the 1st of September. There were men shot every month. I cannot say that I ever saw Captain Wirz present when any of these men were shot. I had no chance of seeing him unless he was in the stockade. The

majority of those whom I saw shot were killed outright; expired in a few moments.

Q. Can you give a detailed description of those you saw killed and of the dates?

A. In regard to the dates I cannot give you any detail. I lost dates there, and did not know when Sunday came. I came very near being shot myself. A very large crowd had gathered at the stream of water, and I was reaching over the dead-line in order to get some water. I could not get it anywhere else, as I had no right to the wells. A bullet came, I should judge, within two or three inches of my right ear, striking one man through the arm, and mortally wounding another. These men were in their tents, unoffending.

Q. Were all these twenty-five or forty men shot by the sentries for crossing the dead-line or being near it?

A. Some were across it, and others not. I saw a man shot who was three feet inside the dead-line. I saw one shot on the 10th of July, just the day before the men whom we called the raiders were hung.

Q. Describe the circumstances that led to the men being shot.

A. I do not know, except from the great desire of sentries to get furloughs.

THE ORDER OF WIRZ TO FIRE THE ARTILLERY UPON THE PRISONERS IF THEY HUDDLED TOGETHER.

Q. Did you ever hear any order given by the prisoner in reference to firing grape and canister on the prisoners in the stockade?

A. He gave an order; I did not hear it; but there was an order given——

(Interrupted by counsel for the accused:)

Q. What order did you ever hear him give?

A. Captain Wirz planted a range of flags inside the stockade, and gave the order, just inside the gate, "that if a crowd of two hundred (that was the number) should gather in any one spot beyond those flags and near the gate, he would fire grape and canister into them."

Cross-examined by COUNSEL:

Captain Wirz gave this order I was speaking of to the crowd of prisoners around the gate. He merely told them he would fire upon them if they gathered there. I did not hear him give the order to the men outside. He warned us that if we gathered there in numbers he would fire upon us.

Q. Then it was not an order, but simply a warning?

A. Yes, sir.

SEPTEMBER 20, 1865.

CHARLES H. RUSSELL, for the prosecution:

I was in the military service of the United States. I was orderly sergeant company E, first Wisconsin cavalry, at the time of my capture, on the 9th day of May, 1864. I was captured between Barnwell station and Dalton, by Wheeler's cavalry. I was taken to Dalton, and kept there two nights and one day. From there I was taken to Atlanta, Georgia; I staid in the hospital two weeks. From there I was sent to Andersonville, where I arrived on the 27th of May, 1864.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

When I got there I was taken to Captain Wirz's headquarters, and gave in my name and regiment. Captain Wirz was in the office at the time, and when he heard me give my regiment, he gave his orderly orders to "take every damn thing from that Yankee cavalry son of a bitch," and the orderly took everything I had. I had been wounded in my left hand, and had a ring on one of my

fingers that I thought I couldn't get off, I was so hurt; but the orderly came and took the ring away from me.

Q. What else was taken from you?

A. I didn't have anything else to take.

(To the court.) I had on a shirt and a pair of pants and an old pair of boots; they did not take those. The ring which was taken from me was never returned to me. I do not know who got it. I know the orderly at Captain Wirz's headquarters took it from me, and that is the last I ever saw of it.

THREATS OF WIRZ.

After I had been in the stockade about two weeks, a number of men from my regiment who were there, and who had been fed on sour bread, wanted me to speak to Captain Wirz about it, and to see if he wouldn't give them better bread. I took a sample of it to him one day, when he came in the stockade, and I showed it to him. He turned himself and said, "I don't want to know anything about it." I insisted on his looking at it. It was all mouldy and sour. That made him angry. He had his pistol in his hand, and he wheeled around and presented it at my head, cocked. There was a big crowd around there, and the boys began to sing out, "Go in for him." He got scared, and wheeled around and rode out of camp. I think it likely he would have shot me if he had dared to.

SHOOTING OF PRISONERS BY THE GUARD.

I have seen two men shot myself for crossing the dead-line, and three after they were shot.

Q. State the circumstances of the shooting of those whom you saw shot.

A. I saw a man shot at the creek one morning in June. We were down after water. There was a big crowd there. The ground near the creek was very slippery, where the boys were running in and out and spilling water. A fellow there, who looked very weak and sick, tried to get some water, but he slipped and fell, sticking his arm under the dead-line—nothing but his arm. I was within six feet of him when the guard raised his gun and fired and shot him down. The man did not speak a word afterwards.

I do not know that man's name nor his regiment. I did not see Captain Wirz present at that time. About the 20th of July, I think, there was a man shot on the south side, at a little spring where they dug a hole in the ground about eight feet from the dead-line, on the south side of the creek. He was there getting water, and there was quite a number getting water at the same time. They were crowding around to see who would get the water first. This man got crowded outside the dead-line, and the guard fired on him and shot him. The guard stood on the first post, on the south side of the creek. Captain Wirz came along shortly afterwards, and went upon the stand where the sentry was, and I saw him shake hands with the sentry. Shortly afterwards the sentry went down, and another soldier took his place. He shook hands with the sentry and called him a "bully fellow," or something of that sort. I heard nothing said about furloughs at that time. At one time I was detailed to go out and get some wood. There was a confederate soldier who made it a practice of going out in the woods where the boys went for wood, and trading with them there, out of the sight of his officers. He said that there was an order out that they would get furloughs for every Yankee they killed.

VACCINATION.

I saw one man of my regiment, of the name of Pillsbury, vaccinated there. He belonged to company H. He went into the prison on the last of April, 1864, a very healthy man. When I got there, on the 27th of May, he was very

healthy yet, although he had been vaccinated, and at that time there was a sore on his arm as large as my hand. He had a watch which he sold for I do not know how much confederate money, but a good pile. He bought things and traded with the men, and we managed to live pretty well. He died about the 1st of September. He had no other disease that I know of. I do not think he had, as he appeared perfectly healthy, and had been always healthy. When he died this sore had spread all over him. There were sores coming out on his arms and legs. I have seen a good many cases of vaccination while I was in prison. They had a similar effect, sores on the arms. I have seen sores break out on the arms, legs, and feet; they looked like the sores on the arms. I should think there was over a hundred cases of this kind. Every man whom I saw vaccinated while in prison there, with the exception of two men who got well, had it operate on them in the same way.

CONDITION OF THE PRISONERS IN THE STOCKADE.

About one-quarter of the entire stockade was swamp. The swamp was about eighteen inches or two feet of clear maggots, and you could see them all in a ferment crawling around. We were obliged to go into that swamp. When I first went there the men had to go through it to get the water out of the creek; on the north side they had to wade it to get to the creek, and on the south side they had to wade it for two or three rods. I have seen men in there digging roots to get wood to cook their meals with. They would dig there because the roots and stumps, and everything else that would burn, had been dug out of the dry ground. They had to dig there, or eat their meals uncooked. That was in the months of May, June, July, and August; along in July they commenced to bring down dirt from the hills to cover that swamp up. Before I left they had got a good portion of it, perhaps half of it, covered up, and the men were tenting on it.

WIRZ'S STATEMENT THAT HE HAD SERVED IN THE UNION ARMY.

About the 4th of June Captain Wirz came into the stockade, and said that Johnston had cleared out Sherman and had taken him prisoner, with about half of his army. He was feeling very well over it. I tented right close to the south gate, or rather I stayed there with some fellows who had a bough-house up. Captain Wirz came in there and sat down, and got to talking about his being in our army. He said he was an orderly sergeant in an Illinois regiment, and fought under Sigel in Arkansas. There is one of our men alive, by the name of Nelson Chittenden, of Wisconsin, who heard the same statement. I do not know whether Captain Wirz was lying or not.

Cross-examined by COUNSEL:

Seven men were taken to Andersonville with me. I belonged to the cavalry. I belonged to Sherman's army. Our cavalry, at that time, was not attached to any corps; it was called Kilpatrick's corps of cavalry. I did not belong immediately to Stoneman's command at that time. Colonel La Grange was commanding my brigade.

SEPTEMBER 20, 1865.

BERNARD O'HARE, for the prosecution:

I was in the military service of the United States. I belonged to Co. A, 6th New York cavalry. I was prisoner at Andersonville from the 28th February, 1864, to the 19th September, 1864.

ACTS OF CRUELTY COMMITTED BY WIRZ.

Q. State what you know of the sufferings of Union prisoners in the custody of Captain Wirz at that time.

A. I was there before he came there; things then were easy, but after he got there he used rather strict rules and laws. Whether he had orders to do so or not, I do not know. He brought us up in line and gave the guard orders to shoot the first man who left the line. I saw him draw his revolver; he pointed it at me, but I have not seen him shoot anybody. I saw him kick a man by the name of Ward, belonging to the 6th regular cavalry. The circumstances were these: he dug a tunnel and crawled out; he was caught and brought back, and it was for that Captain Wirz kicked him.

I asked Captain Wirz one day in August, 1864, for a pass, and the answer he gave me was, that he would pass me to hell. I thanked him. He asked me how I got up to his quarters; I answered him, and he sent me back without a guard. Afterwards he was taken ill, and he left the camp under the charge of Lieutenant Davis. We asked Lieutenant Davis, and he gave us passes so that we could go and bathe in a creek that was there. After Captain Wirz got well he took away those passes from us, and told us that he would allow no Yankee to have any privilege whatsoever. Those were his words.

TREATMENT OF THE DEAD.

I was detailed for the purpose of carrying out dead men. I was at it from the 1st of August until September, carrying them from the different wards of the hospital. Our orders were to go into every ward in the morning and take the dead out. I have seen 128 bodies and 135 bodies lying in the dead-house at one time, lying there before the wagons came after them to move them out. The dead bodies were allowed to remain over a day without being taken off, so that when loading them up the bodies often bursted. A major there ordered us every evening to get six ounces of liquor, because he imagined we ought to have that on account of our business.

STOPPAGE OF RATIONS.

I know whether the rations of any prisoners were stopped at any time. They were stopped four days in July; I believe about the 3d, 4th, and 5th of July. I was among those whose rations were stopped. I was inside the stockade at that time.

ACTS OF CRUELTY COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

We had to go from the hospital to the gate to carry up those men who were not able to walk to the hospital, and when I was down there, being out on my own honor, I took the honor of going up to see the honorable Captain Wirz. Captain Wirz was ill in the latter part of August or the 1st of September. He was not gone long; not as long as I often wished he was. I felt so that it was about a month, but I do not know exactly.

SEPTEMBER 20, 1865.

JOHN BURNS WALKER, for the prosecution:

I was in the military service of the United States, in Co. G, 141st Pennsylvania infantry. I was a prisoner at Andersonville from June 16, 1864, till May 26, 1865.

THE RAIDERS.

I was wounded on the evening of May 28, 1864, at Hanover Junction, Va., and was taken to Richmond on the 30th; from there to Danville, and by Columbia to Andersonville, where I arrived on the 16th of June. There were about

400 in the squad that was sent at that time. Prisoners were being hurried from Libby prison and other prisons in Richmond to Andersonville for safety. On arriving at Andersonville, Captain Wirz was in command. We were counted off into detachments, three nineties making a detachment. After those preparations were gone through, sergeants were appointed to take charge of each ninety. The detachment into which I was put was No. 84, and I was given charge of the second ninety of that detachment. We were then ordered into the prison. Part of us were put on the south side of the branch, and part of us on the north. It was my luck to go on the south side; it was much crowded. The detachment had to be squandered all over the ground, seeking what place they could find for quarters. Reports were brought to me every day of the plundering and robbing of men. The first night I was there I pitched my tent with several other men. Some of them had part of a tent, and one man had a blanket, and with the piece of a tent and the blanket we made a tent for four. The place where we pitched our tent was a little inside the south gate, a little up the street where the teams came in with rations. In the night I was awakened by a man who turned me over, and one of my comrades, who had no place to sleep, and who was walking round outside, called to me; the man had a knife in his hand, but my comrade came out and stopped him. I suppose he was going to cut my pocket-book out, or something else. However, I got up and got out; I did not lie down again till almost daylight. When I had got to sleep again, I was suddenly awakened by some noise, and when I opened my eyes the tent was gone, and we were lying there uncovered. We found after daylight that there was a party of blacklegs or raiders, as they were then called, in that place, who were robbing, plundering, and assassinating prisoners, and that we had got into a nest of them. So we went further and pitched our quarters on the southeast side, near the dead-line. I stayed there till the enlargement of the prison, when my detachment was ordered to the northwest side.

TREATMENT OF THE SICK.

My duty as sergeant of a ninety called me to be at sick call every morning with the sick. The order generally was for such sick men as had to be carried out on blankets. I remember that on the 27th of July an order was given, I think, for 500—five from each detachment; there were over a hundred detachments in the prison at that time. The orders were generally read from the gate, but whether they came from the surgeons or from Captain Wirz, I do not know. The sick men were carried out, and about noon the surgeons were sent in. Those sick men remained in the sick enclosure until next day at noon, when they were taken out, 500 of them. They were in a dying condition. None were taken except such as were considered not fit to live until next day. I have often taken sick men when the doctor would look at them and say that they would live till to-morrow. That was Dr. Rossey, the surgeon to whom I reported at the gate. He told me to take them back. They often asked if a particular man could live to be brought again. We had no medical attendance in the stockade. I never saw the surgeons in the stockade until the stockade hospital was erected, in September and October.

SHOOTING OF PRISONERS BY THE GUARDS.

I know the name of a prisoner who was shot by a sentry and killed. I have a memorandum from which I can state it with certainty. On the 4th of September, 1864, a prisoner belonging to the 7th Indiana infantry, whose name was Morris Prendiville, was asleep in his tent about 10 o'clock in the evening. His quarters were near mine. I heard the report and went out. There was a little commotion at the quarters where the prisoner was shot. When I got opposite

the tent I found something under my feet, and on looking down I found the man's brain and blood on the path. His feet were toward the dead-line, about three feet from it; his head was toward the path. He had been wounded in battle and afterwards brought to Andersonville. He had been there only a few days when he was shot. I reported the case next morning to Captain Wirz. I left a report at the gate; I never heard anything more of it. He was shot in the head, the ball scattering his brains about. I know the man's name was Prendiville, because I wrote it on a paper and pinned it on his breast; I wrote the cause of his death—that he was shot by the guard—and I pinned the paper on his shirt bosom. I made a memorandum at the time for myself, and I have it here. I wrote this on the morning after the man's death.

(Witness produced the memorandum, which was read, as follows:

"Morris Prendiville, Co. H, 7th Indiana regiment, infantry; shot through the head on the night of the 4th of September, 1864, by the rebel guard. He was asleep in his tent, directly opposite the post. The guard had no cause to commit the crime.")

The JUDGE ADVOCATE. I desire to call the attention of the court to the following extract from the hospital register: "11,230, Prendiville, M, private 7th Indiana, Co. H, complaint unknown; admitted September 6th; died September 6th; died in quarters."

WITNESS continued: I do not know the names of any others who were killed. On the 5th of August, 1864, five men were shot. I did not take their names. Four of them were shot at the branch, and one of them near the northeast corner, inside the stockade. Three of them were shot at one time; one was killed and two were wounded. Such shooting was a frequent occurrence at that place.

GOODS BROUGHT TO ANDERSONVILLE FOR SALE CONFISCATED.

I was on duty outside the stockade; I was paroled on the 28th of October, 1864, and was taken outside. I had the scurvy very bad, I had (5) five sores on my right limb, which was much swelled. The quartermaster took charge of me; I was taken out to the work-shop to cobble shoes. It was some time before I could do anything. Captain Wright told me that he would see that I should not go back to the prison, that I should stay there and recruit. He used to get a good many things for me—potatoes, pickles &c. I was put under the charge of Captain Wright, but particularly under the charge of the quartermaster. Captain Wirz had then no charge of us; Sullivan called our roll. While there I saw goods confiscated in the shop. Sometimes people would come to the post with provisions to sell, eggs, butter, pies and other things. There was a market down at the railroad depot; one day a little boy came there who used to come there often with pies. An officer, either a lieutenant or captain, came to the shop and arrested the boy, took his basket from him and took him down to Captain Wirz's office. That was in the early part of March.

GENERAL COBB'S SPEECH.

I heard General Cobb make a speech on the 4th of March, 1865, at Andersonville. General Cobb came to Andersonville on the 4th of March, and the paroled prisoners outside were notified that, if we desired to hear the general, we could go down. A good many of us went down, I among the others; I found General Cobb in the midst of the crowd; the 2d Georgia regiment, I think, was drawn up at the shed that was being built for a brick-yard. He made a speech in which he referred to the prisoners. He said he was sorry that any prisoner had been captured. He said he should hang every prisoner if he had his own

way. He further said, "If the prisoners come up to your house to take your chickens or your pig, hang them. If a prisoner comes up to your house to speak to your women, hang him." He then referred to President Lincoln.

Mr. BAKER. I must object to this, as it does not appear to have anything to do with the case.

The JUDGE ADVOCATE. I object to the counsel appearing for General Cobb unless he can show his authority.

Mr. BAKER. In what earthly way does this evidence affect the case?

A MEMBER of the COURT. If the counsel will read the first charge he will find there a charge of conspiracy.

Mr. BAKER. General Cobb is not named.

A MEMBER of the COURT. The charge uses the words "and others unknown."

Mr. BAKER. The trouble is that the admission of such things in evidence puts us to so much trouble in following the case.

A MEMBER of the COURT. We cannot help that; we want the facts whatever they are.

The objection was withdrawn.

The WITNESS continued: General Cobb said, "If President Lincoln ever gets me he will hang me; and if I ever get President Lincoln I will hang him." In referring to the conduct of Captain Wirz, he said that he was glad to find the state of things around Andersonville to be such as he did. He recommended Captain Wirz as being a very meritorious and efficient officer, doing his duty and doing it well. He made comparisons with reference to the prisoners. He said to the confederate troops around: "Look over into the stockade," pointing his finger directly to it; "go look over there and compare yourselves with those men, and go home and kiss your wives and sweethearts, and see if you cannot gain your independece." He further said, in connection with the grave-yard and the treatment he would give to the prisoners, I would treat the prisoners here well; I would feed them well; I would care for them." His voice, when he said that he would care for them, assumed a stentorian tone; he spoke harshly and as if with big meaning, pointing at the same time with his hand to the grave-yard, as if meaning that that would be the care he would give them. This speech was received by the audience with some hurrahing, but not so enthusiastically as I have seen speeches received in other places.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

One day in the forenoon I was sent into the prison for the shoemakers. I brought them out, and while we were reporting to Captain Wirz there were two baskets standing outside of Captain Wirz's headquarters. Two ladies were there from Americus. They wanted to send those delicacies to the prisoners. I don't know what they were. I did not see them; the baskets were covered. The ladies had tears in their eyes. They wanted to send those delicacies in, but they had an order from Captain Wirz that they could not be received. I could not find out whether the goods were confiscated or not; but I did not see them taken away. I know that they did not leave for two hours afterward. The ladies were refused admission to the prison.

SANITARY ORDERS ISSUED BY WIRZ.

I have sometimes received sanitary orders while in the prison regarding the treatment and the keeping of the quarters. I received those orders from Captain Wirz. They were headed, "Headquarters of the post," and were signed "Captain H. Wirz." It was an order sent in by the sergeant who called the roll. It was brought around among the detachments, and was read to the sergeants of each detachment. We were only allowed to see it, not to receive

copies. The orders were to police the quarters and keep them clean, to take the sick below the line of the well, and to produce as good a state of sanitary affairs in the camp as possible; and there was a penalty attached to the order—that any sergeant not following out his orders and keeping it strictly should be put in the stocks for 24 hours. I told Sergeant Hammond when he brought the order to me, "There are my sick men; I cannot detail all the balance of my well men to keep carrying those men below the line of the well all the time. My quarters are as clean as I can keep them, and if that is not sufficient you can report me to Captain Wirz; I am ready for the stocks."

STOPPAGE OF RATIONS.

My rations were stopped while I was at Andersonville; on the 3d of July the sergeants came in and told us that we were going to have a fine time on the 4th July, that we would have an extra ration. The 4th of July came and we had no rations at all. The rations were frequently stopped. The crime of any man not being able to report, or any sergeant not being able to report the number of men, was considered a sufficient cause for stopping our rations. I generally managed to substitute men for those whom I could not account for. Sometimes it was not possible for all the men to be present. Sick men had to leave and go to places where it was necessary for them to go, and they would not be able to get back in time. I generally found men from other squads who had been counted, and filled up the vacancies with them.

Cross-examined by COUNSEL:

We were not doing anything when the sergeant came in on the 3d of July and spoke to us in regard to our rations. We had not been attempting to break out that day. I used to hear about a plan to break out, but I never could find any organization. Such an attempt was not the cause for stopping our rations. I never knew of any organization to break out; I knew of some tunnelling. I guess the rations were not stopped because they had been tunnelling. I do not know; I know that we had the promise of a good day on the 4th, and we did not get it. I did not hear at that time anything about tunnelling out.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

Those ladies were there in the beginning of March, 1865; I noticed that one of them had on a brown dress. One was a goodly-sized lady, full faced. I should know her again.

The PRESIDENT. What is the object of those questions?

Mr. BAKER. We intend to produce the lady here, and I ask these questions for identification.

SHOOTING OF TWO PRISONERS BY WIRZ.

SEPTEMBER 20, 1865.

HUGH R. SNEE, for the prosecution:

I was in the military service of the United States—in the thirty-ninth Illinois regiment. I was a prisoner at Andersonville about five months. I was captured May 16, 1864, and I made my escape about the 9th of September following. I made my escape by smuggling myself out with a few prisoners who were to be exchanged on special exchange arranged between General Sherman and General Hood. When they called the roll of these men who were to be exchanged, it was after dark; that time being chosen on account of the heat, as men would faint during the day. When they called the roll they said they wanted none but able-bodied men—men who were able to go into the field; and as a test they gave an order that any man who came out and was not able to

walk eighteen miles would be shot. Of course every one was anxious to get out, and, among the rest, myself. I considered that I could walk eighteen miles, but I had no right to come out any more than my chances to get out. After I got out I fell into line. Others came out who could not walk. There were two men belonging to a western regiment—I think one belonging to an Iowa regiment; I am not certain as to that; they fainted before they got to the brook that ran, I think, between Captain Wirz's headquarters and the depot. They fell out of the ranks, and the guard shoved them to one side. A man ran back and wanted to know why they were out. They made the remark that they wished to get out of prison. The man said, "I will help you out damned soon." We were hurrying along at the double-quick. I heard six discharges from a pistol; I supposed it to be a revolver, and I heard a cry, as if somebody was hurt. Presently a rebel officer, a lieutenant I think, came along, and he made the remark that it was a brutal act. Some one asked who did it, and he said the captain. I have no means of knowing that they were killed, except that this lieutenant said that only one of them was killed. He said "one of them is dead." I have heard Captain Wirz's voice on several occasions. I cannot say positively if the voice I heard at that time had the accent of his voice. I thought at that time that it was his voice. We passed him soon afterward, perhaps not over fifteen minutes. He was sitting in his chair in front of his headquarters, and General Winder was sitting not a great distance from him. I suppose it was calculated that we were passing in review before them, and they were counting us. We were ordered to march in particular order so that we could be counted. That is all I know about that particular affair.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw three different men shot. One was either the sergeant major or hospital steward of a New York regiment. He went outside the dead-line for the purpose of being shot. That was in August, 1864. Some said that he was crazy; others said he was not. He was shot by the guard, and was killed instantly. The guards shot at him three times before they hit him. At the time the last shot was fired there was an officer in the sentry-box with the guard, but it was not Captain Wirz. It was a lieutenant of the guard. Another case was that of a man of the 21st Ohio. I cannot give his name. He was a German. He was lying inside the dead-line asleep. Somebody raised a disturbance near the dead line. I think that perhaps he fell over the dead-line. A shot was fired which went through the man's shoulder and another man's foot. The man at whom they fired was missed. That was in July, I think. There was a crazy man—a German who was captured on the 16th of May. He seemed to be deranged from some cause. I think he was deranged when he was captured. He was shot; I think he staggered against the dead-line. I saw him when he was shot by the sentry. He was not trying to escape. The man was deranged; he did not know what he was doing. This happened near the north gate, close to the edge of the swamp. It occurred some time in July or August. I believe I don't know of any other occurrence of that character.

SHOOTING OF TWO PRISONERS BY WIRZ.

Cross-examined by COUNSEL:

I cannot tell the date precisely when I heard those six shots from a pistol or revolver. It was in September. It was at the time that exchange occurred.

Q. Was it the first part of the exchange or the latter part?

A. The last squad of prisoners that went away. Seven hundred were taken from the stockade, but I believe all of them were not exchanged. It was not as late as the 25th of September. It was in the first part of Sep-

tember; it must have been, because I got within our lines on the 23d of September. I was making my escape at that time. I followed the prisoners till I got to Lovejoy's station; there I broke away from them and got inside our lines at a little place called Eastport. I was only one day on my journey after I got away from the prisoners. I was four days with them before I got away from them. I think it was five days from the time I heard the pistol discharged till I got within our lines. It was about the 17th or 18th of September, as near as I can tell. I never saw Captain Wirz shoot a man. I saw him shove a man; I did not see him strike a man with a pistol. I don't know that he bruised the man whom he shoved materially, but he was a sick man, and when Captain Wirz shoved him over, he got trampled on by the crowd. That is the only instance I ever saw.

PROTEST OF THE OFFICERS OF THE TROOPS STATIONED AT ANDERSONVILLE AGAINST THE CONDUCT OF AFFAIRS THERE.

SEPTEMBER 20, 1865.

SIDNEY B. SMITH, for the prosecution:

I was in the rebel army. I was captain of a company in the twenty-sixth Alabama, stationed at Andersonville. I was at Andersonville from the latter part of February, 1864, until the 14th of May, 1864.

Q. Did your regiment join in representations with reference to matters at Andersonville?

A. There was a meeting held by officers of my regiment, but there was nothing done directly about prisoners. The meeting was directly in reference to Colonel O'Neill, the colonel of the regiment; it was indirectly in reference to the treatment of prisoners. I do not recollect the particulars directly, but there was something said against the treatment of the prisoners. We complained of the post officers generally. It was on Colonel O'Neill's account directly. Colonel O'Neill, on account of some statement supposed to have been made by Colonel Persons, commander of the post, and other officers on duty at the post, to the war department, was relieved from duty, and when we found that that statement had been made, we held a meeting to clear his character at the department, and indirectly in reference to the treatment of prisoners. We asked for a court of inquiry, stating that we could substantiate before such a court the statement that we made with reference to the conduct of matters there.

Q. How did you represent matters?

A. I do not recollect the exact words. We made this report to General Cooper, inspector general. It was forwarded through the regular channel from the regimental headquarters. It went to the post headquarters of Colonel Persons. We heard nothing of it after that. Whether it went further, I do not know. We did not make another report directly.

Q. Did you not send one to your father in the rebel congress?

A. After we heard nothing from the other, I sent a copy to my father, and one to Colonel Jamison, senator from Alabama. I never heard from my father whether he received the paper, and I have not seen Colonel Jamison since. One of the officers who was at Andersonville said that he heard Captain R. B. Winder, the quartermaster, and several other officers chuckling over it, saying that the paper had miscarried; that Colonel Jamison had sent my paper to the inspector general, who read the indorsement without reading the body of the paper, and referred it to General Winder, who made his remarks on a separate piece of paper and kept the original copy. That paper was an attack on the administration of affairs there. I do not recollect the particulars.

Q. Who were involved in the report; of whom did you complain?

A. I do not recollect any particular names. The affair was caused by a

remark of Selman, who was acting adjutant of the post, and also acting sutler of the prison.

Q. Caused by him in what way?

A. It was against the orders for the guards to trade with the prisoners in any way, and Selman, I believe, caught a man of our regiment trading with the prisoners, or he supposed that he was trading with them. He accused him of it, but he could never prove it. He had a man bucked for doing so. A few nights afterwards the regiment took out Selman and rode him on a rail. The next day Selman was heard to remark that that damned old scoundrel, Colonel O'Neill, had stolen his watch and money. Some of the men who were present reported the matter to Colonel O'Neill, who sent a guard and arrested Selman. Selman was kept under arrest for several days, and was then released. A few days after that an order came from the war department relieving Colonel O'Neill from duty entirely with the command. He was not to take any command over the post or troops, or have anything to do with them. He was allowed to stay near the camp, but not to go out of hearing. We never reported that there was any Winder clique or combination; it was our supposition that there was a clique of that kind.

Q. State, as near as you can recollect, the corruptions that you charged in that establishment.

A. I do not recollect any of the particulars. I told you (the judge advocate) in our conversation that I would not be willing to risk on the stand a statement of the matter.

Cross-examined by COUNSEL:

Some time in the latter part of March or the first of April—I don't remember which—was when these statements were made. Captain Wirz was at the prison at the time this occurred, at the time we called our meeting. He was there at the time of the occurrences on account of which the meeting was called. I suppose these occurrences took place from 8 to 10 days before our meeting—probably a little longer—time enough for the statements which had been made by the other parties to get to the department; it was the latter part of March or the first of April. It may have been later than the first day of April, or it may have been before. Captain Wirz was there at the time of the occurrences before the meeting. We called the meeting among ourselves. I was one of those who called it; the officers of the 26th Alabama regiment were the others. Edward A. O'Neal was our colonel; B. F. Brown was our major. All our officers called the meeting; they drew up and signed a paper and sent it to the inspector general at Richmond. We never got a return from it. We had just a meeting of the officers of the regiment. We met at a cabin which was my quarters. They came inside the cabin. I don't remember what one officer said, or what others said. I don't remember anything that was in the paper. I participated in the meeting. The meeting was called because we were satisfied that the parties who had made the previous statement to the war department had made a false accusation against Colonel O'Neal. We were never furnished with a copy of that statement. I do not know what the statement was. I do not know that it was false certainly, but I am satisfied that it was false. I have no evidence that it was false. I have no knowledge in reference to it at all.

By the COURT:

This meeting took place after Colonel O'Neal was relieved. I suppose his relief had something to do with it.

SEPTEMBER 21, 1865.

AMBROSE SPENCER, for the prosecution:

I reside near Americus, Sumter county, Georgia. My plantation is about nine miles from Andersonville. I have resided there for the last five years.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I visited Andersonville during its occupation as a prison very frequently. I have seen the prisoner, Captain Wirz, very frequently. I was there nearly every month, I think, during the time it was a prison. I doubt whether a month elapsed in which I was not there while it was in its crowded condition—every month except, perhaps, during March, 1865. I was there in April, 1865. I was at Andersonville constantly; nearly every month, as I have remarked. I had frequent opportunities of seeing the condition of the prisoners not only from the adjacent hills, but on several occasions from the outside of the stockade where the sentinels' grounds were. I had opportunities of talking at different times with the prisoners, not only at Andersonville, but after they escaped in several instances, when they came to my house. I can only answer the question by saying that their condition was as wretched and as horrible as could well be conceived, not only from exposure to the sun, the inclemency of weather, and the cold of winter, but from the filth, from the absolute degradation which was evident in their condition. I have seen that stockade after three or four days' rain, when the mud, I should say, was at least twelve inches deep on both the hills; the prisoners were walking or wading through that mud. The condition of the stockade perhaps can be expressed most aptly by saying that in passing up and down the railroad, if the wind was favorable, the odor from the stockade could be detected at least two miles.

THE NUMBER OF SAW AND GRIST-MILLS NEAR ANDERSONVILLE.

I believe I am familiar with the surrounding country. That section of southwestern Georgia is well supplied with mills, both grist-mills, flour-mills and saw-mills. Between Andersonville and Albany (the distance by railroad being I believe, fifty miles—there is railroad communication) there are five saw-mills. One of them, a large one, is owned by a gentleman named Drew. There are four others of considerable capacity; there is one saw-mill at a distance of six miles from Andersonville, owned by Mr. Stewart: that goes by steam. There is another saw-mill about five miles from Andersonville that goes by water. There are saw-mills on the road above Andersonville. As for grist-mills there are five in the neighborhood of Andersonville, that farthest off being at a distance, I should think, not exceeding ten miles. There were two at Americus, the one farthest off being about twelve miles distant. Of these mills the water-mills are run nearly the entire year, except occasionally in the summer months; in the months of July and August they may be temporarily suspended owing to the want of water, but not for any length of time.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

It is a very heavily timbered country, especially in the region adjoining Andersonville; it may be termed one of the most densely timbered countries in the United States. As for its fertility, southwestern Georgia, I believe, is termed the garden of America; it was termed the garden of the confederacy, as having supplied the greater part of the provisions of the rebel army. Our section of Georgia, Sumter county, is perhaps not as rich as the counties immediately contiguous. The land is of a lighter quality, but still it produces heavily. I suppose that the average of that land would be one bale of cotton to the acre; the wheat would average about six bushels to the acre. The average of corn throughout the county, I suppose, would be about eight bushels to the acre. I am stating the general average of the whole number of acres in the county. We have land in that county that will produce 35 bushels of corn to the acre; I am stating the general average. It struck me that there was an uncommon supply of vegetables in 1864. Heretofore, at the south, there has been but lit-

tle attention paid to gardens on a large scale; but last year a very large supply of vegetables was raised, as I understood, for the purpose of being disposed of at Andersonville. Indeed, there was not a day that passed when the trains were not loaded going from Americus up to Andersonville, with persons carrying vegetables there. I know that some officer at Andersonville (I cannot say who it was) had agents at Americus to purchase vegetables; and large amounts of vegetables were sent up daily or weekly.

THE SUPPLY OF LUMBER.

I know of lumber having been used at Andersonville. I was there during June and July very frequently, at the time when Governor Brown had called out the militia of the State. The militia of southwestern Georgia were stationed at Andersonville, and their tents were all floored with good lumber, and a good many shelters of lumber were put up by the soldiers. I noticed a good many tents that were protected from the sun by boards. There seemed to be no want of lumber at that time among the confederate soldiers.

THE TEMPERATURE DURING THE SUMMER OF 1864 AND WINTER OF 1864–'65.

I did not take regular thermometrical observations during the summer of 1864 and the winter of 1864-65; but I had a thermometer, and every day, sometimes two or three times a day, I examined it. I generally made it a rule to look at it when I got up in the morning, again about noon, and then in the evening. So far as I remember, the range of the thermometer during the summer of 1864 was very high. I think I have seen it as high as 110 degrees in the shade. Once, and only once, I put the thermometer out in the sun on an extremely hot day in June, 1864. It ranged then, if my memory serves me aright, 127 to 130 degrees that day. Last winter, according to my experience during more than twenty-five years' residence in Georgia, was the coldest winter we have ever had there. I have seen the thermometer as low as 20 and 22 degrees above zero—from 8 to 10 degrees below the freezing point; one night it was colder than that; it was the night of the 4th of January. It is very distinctly impressed on my memory. During the night I was waked up by my wife, who told me that somebody was calling in front of my house. I opened the side window (it was excessively cold) and asked who was there. A voice replied, "A friend." I answered that I had no friends at that time of night, and very few anyhow in that country. He said that he was a friend of mine and wanted to come near the fence to speak to me. I told him my dog would bite him if he came to the fence; he then approached and said he was an Andersonville prisoner, and asked me, calling me by name, if I lived there. I told him that I was the man and to wait a moment. I dressed myself, went out and chained my dog, and brought the prisoner in. He was nearly frozen; he could hardly stand; he had on only one shoe, and that was a poor one, and had a stocking upon the other foot. He was clad in the thin army flannel of the United States, badly worn. He had on a pair of light blue pantaloons which were badly worn. This was on a Wednesday morning; and he told me that he had made his escape from Andersonville on the Saturday previous, that he had been apprehended and taken to Americus, where he had made his escape from the guard the night before, and was directed to my house by a negro. I asked him if he was not nearly frozen; he said he was. I looked at the thermometer then and it was eighteen degrees above zero. This was about two o'clock in the morning—between one and two o'clock.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

I know that efforts were made by the ladies of my county to relieve the prisoners at Andersonville; at one time a general effort was made. All that I

know is, that a gentleman named Mr. Davies, a Methodist presiding elder, exerted himself to induce the ladies to contribute clothing and provisions to the federal hospital at Andersonville. A large amount of provisions was collected, some three or four wagon loads, if I am not mistaken, and sent up there. I believe that the effort failed. First, the provost marshal refused a pass to carry the provisions to the hospital; and when application was made by Dr. Head, who acted as the spokesman for the ladies, to General Winder, it was positively refused to them. I had a conversation with General Winder three days afterward. The same matter then came up. General Winder stated, accompanied with an oath, that he believed the whole country was becoming "Yankee," and that he would be damned if he would not put a stop to it; if he couldn't one way he would in another. I remarked that I did not think it was any evidence of "Yankee" or Union feeling to exhibit humanity. He said there was no humanity about it; that it was intended as a slur upon the confederate government and as a covert attack on him. I told him that I had understood it was done at his request; that he had requested Mr. Davies to bring this thing about. He said it was a damned lie; that he had not requested anything of the kind; that for his own part, he would as lief the damned Yankees would die there as anywhere else; that, upon the whole, he did not know that it was not better for them. That was his language, or words to that effect. Captain Wirz was not present at that time. My wife was with me at the time. There were other ladies present, but I don't think I knew any of them. They were not part of the committee.

Q. In what way did General Winder speak of the ladies and their humane effort?

A. He used the most opprobrious language that could possibly be used, language that no gentleman could listen to, especially in the presence of his wife, without resenting it in some way—language utterly unfit to be repeated in the presence of ladies. It was an intimation that he could very easily make loyal women of them by putting them in a certain condition that would bring them to it.

I was present at a conversation the day after this committee of ladies failed. It was at the depot at Andersonville. The conversation was principally carried on between the provost marshal, Captain Reed——

Q. Captain or Lieutenant Reed.

A. I believe we used to call him captain. He might have been a lieutenant, probably. He was the only Reed there. Captain Wirz and R. B. Winder were present. There were three or four officials there; I cannot recall any but those. Lieutenant Reed observed that if General Winder had done as he wanted, they might have made a good speculation out of the provisions and clothing that the ladies had brought; that he proposed they should be confiscated, but the "Old General" would not do it. Wirz remarked that if he had his way he would have a house built there, and all the ladies should be put in it for certain purposes. That was a most scandalous, infamous purpose, which I do not wish to repeat. R. B. Winder's remarks were a general concurrence. I don't know that he said anything special that I can call to mind, any more than laughingly concurring in what had been said.

THE DOGS.

I know Turner, who had the hounds, very well; his name was Wesley W. Turner.

Q. What did you ever hear him say as to his duties there and what he was receiving?

A. It was some time in the early part of 1864—March or April, I think. He had purchased a piece of land up in the same district in which my place is. I met him one day in Americus and asked him if he was going to settle that land. He said he was not; that he was making more money now than any-

body in that country. I inquired how he was making it. He said the confederate government was paying him for keeping hounds to catch escaped prisoners. I asked him if he got his pay from Richmond. He said, no, he did not trouble Richmond; that "Old Captain Wirz" was his paymaster. I asked him how much he received; my impression is that he did not tell me what he received. He told me that he was making more money than anybody else in that country; better than cultivating ground. That was early in the history of that prison, I think—during March or April. It was while he was there on duty; he told me that he then had a pack of hounds and was employed there.

GENERAL WINDER AND SONS; THEIR ANIMOSITY TOWARDS THE PRISONERS.

I know W. S. Winder—"Sid. Winder," as he is called. I saw him at the time he was laying out the prison. Between the 1st and 15th of December, 1863, I went up to Andersonville with him and four or five other gentlemen, out of curiosity to see how the prison was to be laid out. When we arrived there the limits of the prison had all been marked. They were then digging a trench to put the stockade posts in. Workmen were busy cutting down trees in and around where the stockade was. In the course of conversation I inquired of W. S. Winder if it was proposed to erect barracks or shelter of any kind inside the stockade.

Mr. BAKER objected to the reception of the evidence, on the ground that the matter narrated did not come within the time specified in the charge.

The COURT, after deliberation, overruled the objection.

The WITNESS resumed: I asked him if he was going to erect barracks or shelter of any kind. He replied that he was not; that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun at least. He made this reply, or something similar to it: "That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front" Those are very nearly his words or equivalent to them. That was before a stockade was erected in the trench. Captain R. B Winder came there to the post ten or fifteen days after that—I suppose about ten days. There was nothing said at that time as to who ordered W. S. Winder there to lay out the prison. I had frequent conversations with General Winder. I used to meet him very frequently, either in Americus or going up the railroad. I saw him a good many times at Andersonville.

Q. What was the general temper and spirit of his talk with regard to those prisoners?

A. The opinion that I formed of him was anything but creditable to his feeling, his humanity, or his gentlemanly bearing. I am not aware that I ever had a conversation with General Winder, in which he did not curse more or less, especially if the subject of Andersonville prison was brought up. I can only reply to your question by saying that I considered him a brutal man. That I drew from his conversation and conduct as I observed them. I looked upon him as a man utterly devoid of all kindly feeling and sentiment.

THE CONDITION OF THE PRISONERS GENERALLY KNOWN IN THE SOUTH.

Q. How generally, so far as you observed, were the sufferings and horrors of he Andersonville pen known throughout the south?

A. So far as my knowledge and information went, the knowledge of those sufferings was general; it was so, at least, throughout the southern part of the southern States; I cannot speak specially in regard to the neighborhood of Richmond. The matter was discussed in the newspapers constantly, and discussed in private circles. Perhaps I might have heard more of it than most, because it

dwelt more on my mind; but it was a general subject of conversation throughout the entire southern part of the confederacy.

THE QUANTITY OF PROVISIONS RAISED IN 1864.

Cross-examined by COUNSEL:

I went south twenty-five years ago the 8th day of last month. My residence is in Sumter county, near Americus. It is a village or town. It is called Americus. I live near the town. I have lived in Sumter county for nearly twelve years. I have been a teacher most of the time; my profession is that of a lawyer. I have been planting, farming, for the last five years, most of the time on my own farm. My farm is two lots; there are two hundred acres to the lot; four hundred acres in all. When I speak of the crops, and of vegetables there, if I judged from my own crops my statement would be unfavorable, because I made a very poor crop that year, both of corn and vegetables. I do not judge from my own crop. The testimony I have given is what I have seen of other plantations. I believe I have travelled during the last two years almost as much as anybody has. I held a position as an agent to collect evidence of claims against the Confederate States government—to establish claims. My district comprised thirteen counties, if I am not mistaken. That is the extent of the district over which I had jurisdiction—within which I received and established claims against the confederate government. I was appointed by General Cooper, adjutant and inspector general. I held a confederate office; I suppose in one sense I may be considered as having held a confederate office. I had no commission; it was rather an agency. I travelled all through those thirteen counties constantly. I travelled mostly with my own buggy and horses; whenever I had occasion to go to places that were not on a line of railroad, in Schley, Webster, Marion, Chattahooche, Stewart, Thomas, and one or two other other counties, I had to travel in my own conveyance. When I went to Mushogee, to Columbus, or to Oglethorpe, or down to Cuthbert, or to Albany, I went by railroad. I did not say I visited them several times during the last year; I said I visited each one of those counties at least twice, and some of them oftener. I did not obtain this information as to the crops while I was travelling. I did not say anything of the kind. I suppose a part of my information was obtained in that way.

Q. What you have stated, then, about the crops, you have stated from information that came to your knowledge in travelling, or partly in that way?

A. Partly in that way, and partly from conversation with planters whenever I met them, as to the state of their crops, and partly from information derived from reports in the newspapers.

Q. Did the planters tell you that they had made plentiful crops?

A. They did not tell me anything of the kind. Their reports of their crops were various. Some would complain that they had made very poor crops; others said that they had made excellent crops. The general concurrence of opinion was that the crops were good. That was in 1864. The crop of 1863 was better than that of 1864.

Q. Was the crop of 1863 in any way injured or destroyed?

A. Yes, sir; in some sections of the country it was, but not generally in our section. We had seasonable rains in 1863, when in other parts they wanted rain. I say that the crops in 1863 in the neighborhood of Andersonville were better than in 1864. They were good, and I think, so far as my information goes, they were saved. Those crops consisted principally of grain, corn, potatoes, peas, a small quantity of rice, according to the country, sugar cane, Chinese cane, sirup and sugar.

Q. Was there any more raised in 1863 than enough to supply the actual want of the inhabitants there?

A. Of course, I can only answer that question from general information. I should say that there was much more. I did not hear a general complaint

of deficiency. I heard more complaints in 1864 than 1863, especially complaints coming from the upper part of Alabama. There was a great deal of complaint in portions of Georgia in 1864, from the usual causes that destroy crops—droughts, &c. Our planting in 1864 was very early; if I mistake not I had gotten through putting my corn in, I think by the 5th of April; it was all in and up.

THE NUMBER OF SAW AND GRIST-MILLS NEAR ANDERSONVILLE.

I saw a portion of those crops carried to the mill; it is impossible for me to say what portion. Whenever I had occasion to go to the mill myself, or to pass by a mill, I constantly saw a large number of wagons there. Two grist-mills I did go to frequently—one of them a third of a mile from my plantation. The mill was owned by Dr. R. C. Black. At present there are three run of stone in it. There was only one run of stone then. There were two run of stone in the other mill.

Q. Did you ever see anything there more than what are known as family grists?

A. Yes, sir. I have seen the upper and lower stories of the mills packed with wheat and corn—so full that it was difficult to get about. I could not say to whom the grain belonged. I am certain it did not belong to the confederate government; from a conversation I had with the owner of the mill, I think it belonged to the planters and farmers in the neighborhood. I used generally to ride over to that mill, I suppose every two months; sometimes I would go oftener for the purpose of fishing. The time I saw it so full was from the time the wheat was harvested and got out, which was in the early part of June, up to September. I saw it more or less packed during those months: at times I saw it packed as I have stated; at other times there was a less quantity there. At the time I saw the mill packed as I have testified, I expect it was principally in the months of July and August. I saw it so packed two or three times; perhaps three or four times.

Q. You were there very frequently?

A. That depended on the state of the fish pond; that induced me to go there and fish. The second mill was owned by a Mr. Davidson. It was six miles from my place. It is a little over five miles from the first one I have mentioned. The nearest grist-mill to Andersonville is about five miles south of it, perhaps not as much as five miles; I believe it is considered a pretty large mill. I think it had two run of stone. In 1864, I think there were two. It is a water-mill. Then going down, there are two mills in Americus. I have not described these two mills. There are two run of stones in the one, and I think but one run of stones in the other. They were the same in 1864. A gentleman by the name of Daniels owns one, and in 1864 a man by the name of Hayes owned the other. I have already described the other two spoken of. Those are all I know of. Those were all there in 1864. There are six mills; there is another one about a mile from Mr. Davidson's mill, and it is owned by a man by the name of Cheeves. It has two run of stone. That is all I know of in that country. Four of those mills are turned by water. The other two are turned by steam. I do not think I know the name of the stream that the one nearest to Andersonville is located on, unless it may be called the "Sweet Water." I will not be positive that it is. The one near my place is called the "Muckalooche," and Davidson's mill and Cheeves's mill are on the same stream. I believe I can say that those four mills ran all the time in the summer of 1864, by water; there might have been a stoppage for a day or two; I do not think there was a stoppage for two days continuously. They, perhaps, held up the grinding somewhat in order to let the water accumulate, but I think the mills were run-

ning all the time. I know of four or five saw-mills in that vicinity. There is one located about five or six miles below Andersonville, on the railroad. Three of them run by water. There are six saw-mills that I know of. I cannot say that I visited them during the summer of 1864; I have passed by all of them frequently.

Q. Do you not know that they did not run at all hardly during the summer of 1864?

A. No; I do not know anything of the kind. I know they did run during the summer of 1864. It is more than I can say, if they run all the time. I have seen lumber there. I have seen large quantities of lumber at the different mills; for instance, at Drew's mill, a very large steam-mill, I have constantly seen the railroad on each side of it lined with lumber. I do not know who that lumber belonged to; at the mill five or six miles below Andersonville, I have seen a great deal of lumber, in the summer of 1864. I do not know that the confederate government pressed that lumber.

Q. You do not know that they did not do it?

A. Well, sometimes it is easy for a man to know a negative, but in this case I do not know it.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

I was not concerned with those ladies at Americus in getting up contributions for the prisoners.

Q. All you know about it is from hearsay?

A. Well, I will recall that answer. My wife was personally concerned in getting up the thing. I contributed towards it. It was in February, 1865. I believe I heard of efforts being made in 1864. I know nothing about it myself. It was in September, 1864, that I had the conversation with General Winder, at which Captain Wirz was present. It was during 1864 that I went to Andersonville so often. I stated in my direct examination that I was not there os often in 1865, and that I thought I was not there at all in April, 1865.

MEDICAL TESTIMONY.

SEPTEMBER 21, 1865.

Dr. B. J. HEAD, for the prosecution:

I was on duty at Andersonville as a surgeon in 1864. I do not remember the precise date. I think it was between the 6th and 10th of July that I went there, and I left there between the 15th and 20th July.

Q. Who ordered you there?

A. Well, I shall have to tell you a little history to let you know how I got there. When there was a call for the militia of Georgia it embraced me. I didn't want to go into the ditches nor go into the field and bear arms. I did not feel myself able to do it. I was informed by a friend of mine who was at Andersonville that if I would go up there I could contract with Dr. White and get a situation that would save me from field service. I did so, thinking that Dr. White had authority from Governor Brown, but I learned after getting there that he did not have that authority, although I contracted with him. An officer, a colonel by the name of Price, came up and got an order from General Winder for the arrest of myself and a good many other physicians. We then employed a man by the name of the Rev. Mr. Honeydew to go and represent to Governor Brown that there were not physicians enough at Andersonville to attend to the sick; that our services were needed there, and we preferred staying there to going in the field. He went to see Governor Brown, and on making those representations, the governor sent an order to us all to report to Dr. White and remain there, which we did. The governor was informed that they were needing more physicians at Andersonville; that was all the information he had on the subject so far as I know.

TREATMENT OF THE SICK.

I was assigned to duty when I first went there, but was sick and did not attend to it. I remained sick for several days. As soon as I recovered sufficiently I went and reported again to Dr. White for duty. He assigned me a division of the hospital, and I attended to that while I remained there. I found that the sufferings of the men there were very great, resulting from the diseases they were suffering under and from the want of the proper kind of dieting, remedies, &c. I think I could have done more, indeed I know I could, with proper dieting than I could with the medicines that we had. When first I went there, I think for two days, not more, I examined each individual case, made my own diagnosis, and wrote out my own prescriptions accordingly. I found that the medicines had not been supplied; I asked the reason why, and they said to me "I was not to practice in that way; that I had to practice according to the numbers and formulas that they had." I said, "I know nothing of these formulas and numbers and care nothing for them, and I am not going to practice in any such way." Then I went my rounds and diagnosed the cases again and made out a prescription for each case. It was very laborious; I had a good many under my charge. I sent up the prescriptions and they were again refused, and my clerk, who was what we down south call "a Yankee," told me that it was useless for me to make out prescriptions.

Q. Explain what these formulas and numbers meant.

A. They commenced with one and, perhaps, ran up to thirty odd. "No. 1" was good, perhaps, for diarrhœa; "No. 2" for dysentery; "No. 3" for scorbutus; "No. 4" for something else, and so on. It was taking the discretion entirely away from the prescribing physician himself. I was informed after I left that that system was abandoned. I objected to it because I could not prescribe properly for my patients. I looked upon it as utter quackery. Anybody, whether he had ever read medicine or not, could practice medicine according to the formulas, if he could only diagnose the cases and find out what was the matter with the patients, but it was often doubtful if the prescription would suit a case in its present condition. The doctors, however, had to take that or nothing. Part of the time there was not even that, and they had nothing in the world to give their patients but a little red oak bark as an astringent and other barks that we could get out of the woods. Frequently men would die for want of a stimulant. I could not get it; I would make requisition for it and sometimes I would get some and sometimes I would not.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

The suffering in Andersonville was pretty generally known in my part of the State. It might have been discussed in the newspapers. I do not recollect. After I left the prison I was telling my wife about their sufferings and what they needed, and she went out in the town where I am living and got up some contributions quite smart, she and some other ladies, and sent them up in charge of one of my negro men, and he went and distributed them. I wrote a line myself to Dr. Eiland, who had charge of the division, to see the sick of my ward when I had left, got their proportion of them, and to administer the balance to those who needed it most in the hospital. I ought, perhaps, to have stated a circumstance that took place while my wife was getting up the contribution. The Rev. Mr. Davies, a Methodist minister, presiding elder, lived in my house, and he observed to us, "You had better wait and let me go and see General Winder or we might get into trouble." I told him "I wished he would." He did so. He associated himself with another minister by the name of Robinson. They went up and saw General Winder, as they informed me, and told him what they wished and what the ladies of Americus wished to do. The general ex-

pressed himself, so they told me, as being glad that this thing was being gotten up by the ladies, and said, "It afforded him pleasure, and that they were welcome to send any contributions of that kind." Well, then, I thought the way was clear. I have told how the first donation was sent in. Then another contribution was raised and we sent it up and it was distributed. The second time they sent up more than they did the first time. After those donations were sent we received the two letters I hold in my hand. The third time my wife rode over in the country as well as about town, and they got up a large quantity of provisions, clothing, and one thing and another that was appropriate, and it took a good many servants to carry them up. Several of the ladies concluded that they would go up themselves on that occasion, and my wife among them. They insisted that I should go along with them and I told them that I would do so. We went up, and when we arrived at Andersonville the doctors had sent a wagon over to meet us. I told the negroes to put the things in the wagon as quick as they could and carry them over to the hospital and distribute them and get back against the down train came along, so that we might all get home that night. As soon as they started to load the wagon this Lieutenant Reed, whom I have heard spoken of here, ripped out a very profane oath, and asked where the provisions were going, as though he were very mad, and I observed that they were going over to the Yankee hospital, and he swore that they should not go there. There were several other confederate officers present, colonels, and majors, and captains, and some of them got cursing about it and one man in particular told me that I ought to be hung; others said I ought to be shot, and I don't know but what W. S. Winder or R. B. Winder may have been present. I could not say if they were. I never was intimately acquainted with them, and I do not recollect. Well, I thought I would get it into the hospitals independent of the officers, having had the permission of General Winder, and I said but little more, merely remarking to one of the gentlemen that I would see him another day and that we would settle our difficulty. I went over to General Winder's headquarters myself, leaving the ladies at the depot, and told him the circumstances; that we were there in accordance with the permission given by himself, and that I wanted to get an order from him to carry the provisions over to the hospital. I saw he was very much excited; he got up from his chair and turned round, using very profane language. He said, "He did not know why in the name of hell and damnation everybody was turning Yankee sympathizers, or that there were so many sympathizers with the damned Yankees," and then he ripped out an oath and said, "Are you all scared by the Yankees?" I said to him, "General, I do not suppose that the donors of these things are scared; this is a mission of mercy and charity, and I do not suppose they ought to feel alarmed in any way." That seemed to irritate him worse, and he expressed a wish, according to the best of my recollection, something like this, "That every damn Yankee sympathizer and that every damned Yankee upon the continent was in hell." He wound up by saying, "You cannot carry those things in; they shall not go; they shall not have them." About this time this little fellow Reed came round and said, "Oh! general, will you give me an order to have these provisions confiscated?" And the general said, "I do not know if I have authority; I cannot do it." I got away as quick as I could. I thought it was an unhealthy place for me. I went back to the depot and saw the ladies and told them to say no more about it; that I thought it very doubtful if I would be permitted to leave the place alive as it was, and that if they said anything more they no doubt would be arrested, and that we had better get away as soon as possible. In a few minutes there came along a train with some of our soldiers in it who had been out some time, and were hungry, and the ladies gave them the provisions. As soon as the passenger train came along we got on board and went home. That is the whole story.

Cross-examined by COUNSEL:

Those letters (handing the two letters referred to in the direct examination) will show the date this occurred I got no letter after I went there the third time; we got away from there the third time as speedily as possible. I did not go there until the last time. It was in August and September that the things went, the first and second time. It was not more than a week after that, when they went the third time; as soon as they could get up the provisions and clothing. I did not learn of anything that had changed General Winder's mind in regard to that. I had no information on that point; nothing at all until I walked into his quarters. I never knew positively what changed his mind. I suppose he was wrought upon by outsiders and was influenced by outside pressure. I did not see Captain Wirz the day I went there to the best of my recollection. It was my wife who first started the idea of sending down contributions there. She did not have to work very long before she got the first load off. The third time I have spoken of she went about the country. She took a good deal of pains; it took a few days to get the things together; but wherever she went and made application, they sent in provisions. There was some trouble in getting the supplies. I do not know how many wagon-loads there were. I did not go to the depot the two first times with the provisions, nor did I go with the provisions the third time, but I saw the supplies as they were put on board and taken out again. The third contribution was much larger than the others. There was a good deal taken down the third time. I guess there was a wagon-load of provisions. When we speak of a wagon-load we generally mean a four or six horse team. I don't know whether it would have been as much as six horses could have pulled or not; I don't know what a six-horse team could pull. I don't know what it would have weighed in bulk; it was in baskets and one thing or another. I guess it would have filled an ordinary wagon. I don't know what it all was; I did not examine it; there were tomatoes, biscuits, sweet cake—I don't think there was any flour. There was some coffee and sugar and a little of everything that could be had in that part of the country. There might have been such a lady as a Miss Ransom who sent in some donation; I did not know one-half of them. I could not say whether she was or was not one of them. The paper which I have produced was received by my wife through the hands of her servant, a negro man; it came from Andersonville. The other paper came also from Andersonville. I saw Dr. Stevenson while I was at Andersonville. He was not in command when I was there; Dr. White was in command. The change was made about the time I left or immediately afterwards. I have not seen Dr. Stevenson's writing enough to identify it. I presume that one of those papers is in his handwriting; the other I presume came from the soldiers. It came to me through the hands of the same servant that carried up the provisions.

TREATMENT OF THE SICK.

Almost everything that I wanted in the way of medicine was not there. They told me they were not there, at the post. I made out prescriptions, and they did not fill them; they said they had not the articles, and I had to give these numbers that I spoke of. I had a good many indigenous medicines. I believe they were the principal medicines which I had; those were badly prepared. I had no means at my command to prepare them. I don't know whether those indigenous preparations could have been made much better than they were. It was a very quackish way of preparing physic. I should say they would be of little service the way they had to be administered. I should hate to have to be treated so myself. Sometimes they would get in some better medicines, but they would soon be gone; so I was informed. I could not get what I made requisitions for; they would not let me have it, and I had to practice by pre-

scribing according to the numbers. I did not know any other physicians who got what I failed to get. I know all the others; I presume they fared in the same way I did. I learned that after I left, they got to filling their prescriptions. I presume that they then had got medicines. While I was there I don't presume that I fared any worse than my associates. If others had any better chance to practice than I had I never found it out.

By the COURT:

They kept physic there in several little houses; I believe I was in one or two of them; they were sometimes little tents and sometimes little cabins. I could not give a correct opinion as to the quantity of medicine there. I understood that it was very scarce. I do not know as to that of my own knowledge.

By COUNSEL:

I went to Andersonville some time between the 6th and 10th, and I left there between the 15th and 20th of August. The reason of my leaving was that the inferior court of my county petitioned Governor Brown that I should be sent home to practice medicine, representing that our own people were suffering for want of medical attention. He sent an order to me to return home and practice physic. I did so, and remained there until I was ordered up here.

By the JUDGE ADVOCATE:

I don't remember any particular incident which happened at the gate of the hospital when the sick men were brought out and left there. I saw men at the gate of the hospital who were brought there for treatment. They were in a very deplorable condition; they were greatly reduced; suffering a great deal; they were reduced, some of them as much as men could be to be alive. They were in an awful condition; they were sometimes left there. Sometimes men were brought to the hospital when it was so crowded that there was no place to put them—no house, no tent, nothing. All the sick were under tents; and sometimes these men who were brought had to lie about in the streets and at the gate until enough would die in the tents to give them a place: when one would die another would be put in. During that time some of them would die at the gate.

ACTS OF CRUELTY COMMITTED BY DUNCAN.

SEPTEMBER 21, 1865.

CHARLES H. RUSSELL, recalled for the prosecution:

I saw acts of cruelty committed at Andersonville by a man named Duncan; I believe his name was James Duncan. I understood that he was a rebel quartermaster. He used to come in with the wagon bringing in the bread. He is sued it out to the sergeants of detachments. I never heard his authority for acting as such, but I heard——

Mr. BAKER objected to witness stating what he heard.

I saw Duncan in this court-room; I see him now.

(Witness pointed out the man to whom he referred.)

About the 10th day of June, 1864, he came in with some bread, and I with six other men of my detachment was detailed to go down and help him to bring up the bread. A fellow belonging to my 100—I don't know his name; he belonged to a Tennessee regiment—came down with me, and while we were getting the bread, or rather while we were standing by, for our turn had not come, a piece of crust broke off and this man stooped down to pick it up; as soon as he did so Duncan jumped out of the wagon and struck him, and kicked him twice or three times severely. The man died three or four days afterwards in a tent in the stockade. Before that occurred he was just as healthy as I was,

and I thought his chance of getting out was fully as good; he had as good a tent as mine was. Another instance was three or four days afterwards, about the 15th of June. My tent was close to the gate where the wagon stopped and where the bread was issued. This Duncan was issuing bread again. A poor fellow, about half-witted, who staid on the north side of the stockade, came over there. He went to get some bread. I did not see the commencement of the affair, and could not tell whether he wanted to steal some or not; at all events I saw Duncan jump out of the wagon and kick him and knock him down. The man jumped up and Duncan knocked him down again, then picked him up and threatened to throw him inside the dead-line and let the guard shoot him. The man went away and that was the last I saw of him. The first occurrence which I have narrated occurred about the 10th of June. I do not know the man's name whom I saw Duncan kick; he belonged to a Tennessee regiment. I do not know the name of the second man. I saw him about the camp, but I never knew his name; he was a half-witted fellow. That is all I know about acts of cruelty committed by Duncan.

Cross-examined by COUNSEL:

The second occurrence which I have related took place a few days after the first occurrence—perhaps the 15th of June. I know what the first man was doing; he was detailed to bring up the bread to our detachment. He was waiting for it while they were issuing it to another detachment. A little piece of bread dropped down and he stooped to pick it up out of the sand because he was hungry. I was not close enough to the second man to see what he was doing. I think, though, that he was trying to get some bread. I saw Duncan strike him and kick him. When he got up he knocked him down again, then picked him up and threatened to throw him inside the dead-line. Both these men whom Duncan attacked were small men. It was the custom of Wirz's bullies to pitch upon small men or boys. I never knew them to pitch upon large men. They never pitched upon me. I always gave them a wide berth. I saw Duncan come in with the wagon every day, at least every day through June, I think, and July. I was in the stockade from May 27 till September 7, 1864.

ACTS OF CRUELTY COMMITTED BY DUNCAN.

SEPTEMBER 21, 1865.

W. W. CRANDALL, recalled for the prosecution:

I knew a man at Andersonville named Duncan. That (pointing him out in court) is the man. He had charge of the cook-house there. During the first time I was there he used to come into the stockade with rations. During the latter part of the time they said he was acting as detective. In the first days of October, 1864, I was in the ball-and-chain-gang. I saw him and another man named Barr bring a man to put in the stocks. His name was James Armstrong. He belonged to an Ohio regiment; the number of the regiment I cannot tell. They put him in what they called the "spread-eagle stocks," and after putting him in they took from him his money and a picture. I heard Armstrong plead with Duncan for the picture, saying either that it was the picture of his sister or of his mother. He did not get it. He was left there three or four hours, when Duncan came back alone and took him out, saying that he was going to send him away on the cars. I heard Armstrong at that time ask Duncan if he could not give him back that picture. The answer was, "You may consider yourself damned fortunate to get away at all, and that you are not put in the ball-and-chain-gang with those other boys." I did not notice anything that he took except the money and picture. I do not know how much money.

The man told me the amount while he was still in the stocks. I think he stated the sum was about eight or nine dollars in greenbacks. I do not know of any other special acts of cruelty by Duncan.

Cross-examined by COUNSEL:

I heard Duncan refuse to give the money back to Armstrong. I do not know but that he may have given it afterwards. That is all I ever saw in regard to him.

SEPTEMBER 21, 1865.

SAMUEL M. RIKER, for the prosecution:

I have been in the military service of the United States, in the eighth New Jersey volunteers. I was taken prisoner the 22d of June, 1864. I was taken first to Richmond and from there to Andersonville, where I arrived on the 10th of July.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I saw the prisoner the day I arrived there. I went there with some six hundred Union prisoners, and was taken immediately to Captain Wirz's headquarters. We were compelled to stand there under the burning sun, without shade, and without water, between three and four hours. The men were formed in four ranks and were ordered to remain so. They would leave the ranks in order to get water, if possible, from boys passing with canteens for soldiers. They were cautioned frequently not to do it. One man who stepped out was struck on the head with the butt of a gun by one of Captain Wirz's sergeants, whose name I do not know. The man was insensible for some time. Many of the men standing there fainted away from exposure and the heat of the sun. It would probably be called sun-stroke. They were carried and laid under trees, and were not taken into the stockade with us. Soon after we were all turned into the stockade. Next day raw rations were issued to us. We had no wood to cook them, and of course were hungry for a long time before we got enough used to the ways of the stockade to obtain wood and materials for cooking. I saw men searched at Captain Wirz's headquarters. The men I went there with had all passed through Richmond and been thoroughly rifled before they got into Captain Wirz's hands. He ordered a search, and all government equipage, such as blankets, knapsacks, and haversacks were taken away; also money excepting a certain amount; for instance anything over $100 in money would be taken. I did not see any other valuables taken away. In Richmond they took away everything in the shape of money—State money, greenbacks or coin.

SHOOTING OF PRISONERS BY THE GUARDS.

I know of two cases of shooting in the stockade. The men were not acquaintances of mine, not men that I knew. I kept a diary while there, but being obliged to keep it in lead-pencil it is so blurred and rubbed out that I cannot read it, and cannot give the names. The men were shot in July, near the place where they used to get water to drink from the stream. The persons shooting them were younger men, who were on guard. The first man I saw shot was shot in the breast. I saw him after he was carried away. He died a few minutes afterwards. He was shot by a mere boy, probably not more than fourteen years old. That was about the middle of July, soon after I was taken into the stockade, which was on the 10th of July. It was on the 11th that the six raiders were hung. I saw the next man shot in the latter part of July. It was at the same place as the other, or very near it, where he was getting water.

THE RATIONS.

I was on duty outside the stockade. On the 25th of August I was paroled by Lieutenant Davis, who had temporary command of the prison, being an acquaintance of his. Captain Wirz resumed command in about three days, when he sent me to the bakery. Duncan had charge of the rations and supervised the whole matter himself. Afterwards I was sent to the hospital. While I had duties connected with issuing rations I had an opportunity of knowing whether the supplies were short or plenty. I was often at the depot and at the commissary store and could see what was there. I never knew the commissary store to be empty. There was always plenty of meal and peas and pork. There was never any scarcity to my knowledge. I know of rations being exchanged. Once, in February, I think, Captain Wirz laid down a lot of pork of his own. It spoiled in the curing, and he sent it to the commissary, and received in return an equal amount of good beef, which was the prisoners' rations. I ate some of it myself, and it made me sick, it was so much tainted.

DUNCAN STEALS THE PRISONERS RATIONS.

Duncan's full name was, I think, James W. Duncan. He was on duty there in more than one capacity, I suppose. He had first charge of the bakery and cook-house. He had charge of issuing rations there and cooking them, and issuing them to the prisoners. He was also a government detective at the post of Andersonville, under the direct control of Captain Wirz. Duncan and Bowens and Humes, who were all connected with that duty, lived a short distance from the cook-house, and the rations used by them were taken from the prisoners' rations to a great extent. I know that meat was taken to their house in large quantities, and I have heard that there were quantities of it found in the cellar after they left the place. I saw the meat taken there myself. Fresh beef was not always issued, and he could have better quality for his own use by preserving it. I never knew him to take anything but rations. I have known a number of instances where he has been bribed to let men go away from the prison in squads, leaving on parole for the north, for a certain remuneration, taking watches and money, and such like valuables.

Cross-examined by COUNSEL:

I saw this; I saw the money handed to him, and saw watches given to him. It was stated what it was given for. It was given in September, 1864, when the first boys were about leaving there.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I never saw Captain Wirz commit any acts of cruelty to the prisoners. I never came in direct contact with Captain Wirz until some time in November, 1864, about the 15th, when I was detailed to report to his headquarters. I stayed there from then till I left the prison, which was on the 23d of March, 1865. I was a clerk at his headquarters; I kept the squad books of the stockade, principally.

SEPTEMBER 21, 1865.

CHARLES E. SMITH, for the prosecution:

I am in the service of the United States. I belong to company K, 4th United States cavalry. I went to Andersonville on the 2d of May, 1864, and remained till the 12th of September.

PRISONERS SHOT BY WIRZ'S ORDER.

I saw four men shot in the stockade. I saw three shot together, the one ball taking effect on the three of them. One of them was killed instantly, another died in about an hour, and the third died in about two days afterwards. I think that was about the 10th of June. I do not know the men's names. They were shot at the creek by the sentinel on post. Only one sentinel fired. I saw a man shot on the north side of the stockade. He was reaching under the dead-line to pick up a piece of bread which some other man had thrown out of his haversack. The sentinel shot him from his post. I think this was about the 10th of May. I got there a very few days before. The man died instantly. I think the man was in his right mind, except from starvation and hunger. Captain Wirz was present at the first shooting. The man was stooping at the dead-line for water, when Captain Wirz told the sentry to fire at him. The sentinel hesitated and would not do it. Captain Wirz drew his own revolver and said to the sentinel that if he did not shoot them damned Yankee he would shoot him. It was after that remark, by Captain Wirz, that the sentinel fired and hit these three men.

VACCINATION.

I heard Captain Wirz order men to be vaccinated. He came in one day with the doctor. They had been vaccinating three or four days. He came to our detachment that morning and gave the sergeant orders that every man should be there and vaccinated. They went in to vaccinate, and they vaccinated most of the ninety. I was vaccinated myself, and I went to the brook and washed it, and sucked the blood out of my arm and stopped it. Other men who were vaccinated at the same time came near losing their arms, and I do not know but that they did lose them after I left. There came big sores in the arms where the matter was put in, and the flesh rotted away, and there came big sores under the arms. I cannot say that I saw any cases where the sores did not spread in that manner. I saw mostly all of them with very large sores, bigger than a silver half-dollar. I never saw them get well while I was there, except they did the same thing that I did to get it out of their blood. Captain Wirz said that any man who would refuse to obey his orders would have a ball and chain put on. That order was carried out. There was one man named Shields, belonging to the 2d Iowa infantry, who refused to be vaccinated. They took him out and put a ball and chain on him until he consented to have the matter put on his arm. I saw him after he was vaccinated. He went and washed it out, and it got well shortly afterwards.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

I know very well that the prisoner could use both hands. I and some of my comrades were digging a tunnel, when he and some more of the rebels found it out, and came in with prodding irons to find out where it was. They confiscated our blankets and what little meal we had, and took all away from us. I know he could use his right arm very well then.

SUFFERINGS FROM HUNGER.

Our rations were stopped there for the 3d, 4th, and 5th of July; we got no rations at all. I have seen men, in a starving condition, on the bank of the swamp picking up beans which had passed through men, and go wash and eat them.

PRISONERS SHOT BY WIRZ'S ORDER.

Cross-examined by COUNSEL:

I saw four prisoners shot at Andersonville. I saw the first man shot about the 10th of May. I did not see Captain Wirz at the time. The second occa-

sion was, I think, about the 10th of June. Captain Wirz was present. There were three shot at the same time. That was not on the dead-line; none of the four were outside of the dead-line.

SEPTEMBER 21, 1865.

BENJAMIN B. DYKES, for the prosecution:

I have been employed as railroad agent at Andersonville from January, 1864, until the 24th day of January, 1865. I am yet agent, but have not been acting since that time.

THE RATIONS.

There was a great deal of provisions shipped to Andersonville for the use of that post. There were provisions on had at all times. I think that as often as twice they were right scarce. That was at the commencement. When the first batch of prisoners came I loaned the quartermaster some meat and meal in consequence of not having any shipped. Some time during the year, in consequence of a collision on the railroad, there was a scarcity, I think, for a day; that is, the commissary complained that if they did not come they should be without any. The freight trains ran generally very regularly, from one to six trains a day, except in cases of accident, which was a rare thing.

THE DOGS.

I knew a man there whose name was Benjamin Harris. I knew he had what we called negro hounds to catch runaway negroes. After the prison was located there they had him there several times to catch escaped prisoners. He never left an account with me to be collected for services rendered there. He told me he left the account with R. B. Winder, for me to get the money from Winder when Winder got it. I applied to R. B. Winder for the money, and he said he had not received the money, and therefore could not pay it.

DUNCAN STEALS THE PISONERS' RATIONS.

I know one Duncan who used to be there. (Witness identifies Duncan in court.) He was called cook in the cook-house—in the employ of the rebel government. I do not know of his ever making sales of provisions that were in his custody. He was taken away from Andersonville, and was, I was afterwards told, under arrest. I did not know it at the time. He said to me that he had to go on, and that he had seven barrels of sirup he wanted to sell; and said he, "I owe Whetlow $500, and you can take the sirup and sell it and pay yourselves out of it, and pay the balance to Browers." Said I, "Where is the sirup?" Said he, "Mr. Browers will fetch it." I said, "Very well, I will do the best I can." The sirup did come to the freight-house. I do not know where it came from. Duncan had a family there. He lived at the post, between the freight-house and stockade. I do not know where he got the rations for his family. I only know he bought some from citizens who brought them there.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

Q. What do you know about the abundance of vegetables in that part of the country; whether they were brought in constantly to sell?

A. They were not brought in constantly. They were brought in generally more or less every day through the summer months of 1864, and in the fall months. There were a good many vegetables raised there in 1864.

Cross-examined by COUNSEL:

I cannot state precisely the number of sacks of vegetables that I saw brought in at one time in 1864, but I think I saw forty or fifty sacks; the most I ever saw come in one car. They consisted of what we call collards, potatoes, tomatoes, and all kinds of vegetables. They came from Americus, Smithville, Dawson, Cuthbert, Albany, Moulton and Adam's Station. They were vegetables belonging to the confederate government. There did not come many from the upper end of the road towards Macon. Sometimes there would come some from Montgomery, Marshville, and Winchester. Some days none would come, and other days there would come so much that the wagon-master who carried them from the freight-house to the prison would say "Some of these will spoil." Some portion of those vegetables were for the people outside. What came for the confederate government was marked "C. S." There was no distinctive mark between what was sent for the prisoners and what was sent for the confederate troops; there was no difference at all, provided they were sent by the government agents. I do not know that both were fed indiscriminately out of the same commissary stores. What was shipped by the government agents was marked "C. S." As to making any distinction between what came for federal prisoners and what came for the guard, I could not do it. All that were marked "C. S." I knew was private. A number of the physicians there, Dr. White, for instance, had goods shipped there for themselves. The goods that came there for the confederate soldiers and for the federal prisoners were all marked the same; there was no distinction. When they were brought there, I, as railroad agent, had to receive them. They were generally laid out on the platform. Sometimes they lay there ten minutes and sometimes nearly an hour before the wagon came and took them away. After they were taken away I knew nothing more about them. They were taken away in government wagons; whether specially for prisoners or for confederate troops, I could not say, only that there was one certain man who always came with one certain wagon. I believe his name was Cuddington, or some such name. Whenever his wagon came, it was for the hospital; at least so he said. There was very little complaint, as a general thing, about the difficulty of getting commissary stores brought there. Sometimes there would be a little scarcity in consequence of a breakdown, a collision, or something of that sort. The house I lived in at Andersonville was about two hundred and fifty yards from the freight-house. I lived there from 1st January, 1861, to 24th January, 1865. I now live six and one-half miles from the place. I own the place. I own about a fourth of the ground where the prison was located. The other three fourths were owned by W. W. Turner, now dead. Captain Wirz boarded with me about two months when he first came there.

SEPTEMBER 21, 1865.

AMBROSE HENMAN, for the prosecution:

I am a private in company L, 4th United States cavalry. I was a prisoner at Andersonville from the 23d of April, 1864, till the last of July, 1864. I saw the prisoner there.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw one man shot after I was there nine or ten days. It was about the 6th or 7th of May, I think, at the northwest corner of the stockade. The man put his hand under the dead-line to get a crumb of bread, when he was shot by the guard. I do not know the man's name or regiment. I think he was an idiot, a crazy man.

A PRISONER SHOT BY WIRZ'S ORDER.

I saw a man shot at the south gate, about the last of May, 1864. The man had several names—"Pretty Polly," "Fortune Teller," and "Chickamauga." Captain Wirz was present at the time he was shot. Pretty Polly, as I called him, went up to the gate. Wirz was at the wicket gate, having the gate open. Pretty Polly asked him to let him out. Captain Wirz drew his revolver and told him that he could not get out. Pretty Polly seemed to be afraid of the raiders inside, as they called them. Wirz drove him back from the dead-line and closed the gate and walked out. Chickamauga walked inside the dead-line and sat down, saying he would rather be shot by their men than be killed by our own men. Wirz ordered the sentinel to shoot him. The sentinel hesitated, and before the sentinel fired, Wirz went up to the sentry box with his revolver drawn. But before he got there the sentry fired at the man and shot him down, the ball striking him in the chin and passing through the breast. I heard nothing about furloughs. I spoke to Captain Wirz at the time, after the man was shot, and asked the privilege of taking him from the dead-line. He gave me permission, telling me to take him and go to hell with him.

Cross-examined by COUNSEL:

I picked him up and carried him back about four rods from the dead-line. He lay down there and died. The men crowded around there so much to see him, that Captain Wirz ordered the sentinel to fire again. I saw Captain Wirz up in the sentry box. I did not see him before he went to the sentry box. I could not see over the stockade. I saw him at the gate before the man was shot. He drew his revolver and ordered him back. There was some crowd. Captain Wirz went to the sentry box. He gave orders to the sentinel, before he went up, to shoot the Yankee son of a bitch. The sentinel was only a few feet from where the crowd stood.

SEPTEMBER 21, 1865.

THOMAS WALSH, for the prosecution:

I have been in the military service of the United States, in the seventy-fourth New York. I arrived at Andersonville on the 29th February, 1864, and left it about the 20th October. I know the prisoner; I did not see him the day I arrived there; I think he arrived there some time after I did, at the latter end of March.

THE DEAD-LINE.

When I arrived at Andersonville the prison was not completed. There was a portion between the north and south gate on the east side that was not quite finished. After it was finished there was a kind of boundary marked out with sticks put into the ground so as to denote it; afterwards there was some kind of slabs of wood put around, about two and a half feet high, supported at intervals at about six, eight, or ten feet, with props. I do not know who directed it to be laid out. We got directions not to go inside that boundary mark, or otherwise the parties doing so would be taken out, bucked and gagged; I do not know who gave that order; I have seen men taken out myself by some of the sergeants of the rebel guard; they were bucked and gagged for stepping over that line. That was immediately after Captain Wirz came there. Afterwards the dead-line was established; it was immediately after Captain Wirz came there that the dead-line was established. The directions to the sergeants who used to call the roll every morning were, that no person should enter the dead-line, as, if he got in there, he would be shot.

THE SUPPLY OF WOOD.

I think there were altogether about sixteen or seventeen trees in the stockade when I arrived there; a portion of them were old burned up pine trees; there were six or seven other trees on the south side which I believe were afterwards cut down and used, with the exception of one or two, in making a sink in the swamp for the accommodation of the men. But the other timber there, this blackened pine wood, was cut down by ourselves and used for firewood. I think the timber was all cleared out of the stockade in less than a fortnight after I got there. I think I was in the sixteenth hundred when I arrived. Before Captain Wirz came there I used to get out to get some pine tops; when I went out they supposed I was going to sell some things, a watch or something; when I went out the first time I sold the buttons off my coat for soap. We would not be allowed to go out for wood unless we had the privilege; that privilege was withdrawn. I was on the north side, and no man was allowed at any time to go out, even on the south side, unless he paid three dollars in federal money to the guards. On paying that money we could go out and get wood. I know something about the enlargement of the stockade. Before the stockade was enlarged I happened to be over with a friend of mine, a young man named Kelly; he was a clerk in the hospital on the south side; I used to go over to him to get some broken victuals occasionally, little scraps of meat, a little pepper, and some corn bread, because the food I received myself was entirely insufficient to support nature. I did not hear the prisoner say anything about the enlargement of the stockade, but I heard one of the rebel sergeants say that the stockade was about being enlarged on both ends, north and south; that is, if it were enlarged on the south side it would bring it down toward the large creek down there.

STOPPAGE OF RATIONS.

I kept a diary, while I was there, in a testament. [Witness produces it.] I was a prisoner in Richmond three months previously to going to Andersonville, and I kept a short diary in pencil; a great portion of it is obliterated, but it is readable; I have got all the dates down.

Q. Refer to your memorandum of the 26th of March, 1864.

A. It reads, "There were no rations served out to-day." This is my memorandum which I kept in this testament. On March 27th it reads, "Rations were not served out until three o'clock; a number is sick, weak, and hungry; what a sad thing for us all." There were no rations issued on the 1st of April. On the 2d of April they were issued about five o'clock in the afternoon; I think they consisted of meal and of what I considered mule flesh; about a pint of meal and about two or three ounces of mule flesh. I have a memorandum for the 8th of April, that the "adjutant and Dutch captain were both placed under arrest." I do not see anything about rations under that date. The memorandum for the 19th of April is, "We had no meal to-day, a little molasses and a few grains of rice." There were no rations issued on the 3d of July. On the 4th of July we got rations, but had to throw half of it away, it was so full of maggots.

SHOOTING OF PRISONERS BY THE GUARDS.

I find, for the 27th of April, the memorandum: "There was a man shot in the leg for infringing beyond the boundary." I do not know his name. I do not know whether he died or not. I have down in my memorandum, on Monday, the 2d of May, "Our friend, the cavalry fellow, shot." (To counsel for accused:) I entered everything in my testament; it was written down, then and there, on the spot. I recollect the facts.

Mr. BAKER. Then I shall not object.

I do not know the man's name; but I knew him well, because he had been

confined with me in the same building in Richmond, and we came on the same train to Andersonville. The man has been mentioned several days here. We used to call him the shaky man. He was a simpleton almost. Some boxes had arrived from Richmond that had been sent to the prisoners. Some of the men very incautiously threw some of the mouldy pieces of bread inside the dead-line. It was almost in a line with the street where we had our shanty. This poor man, after the shot had been fired, I saw lying upon the ground, with his hand stretched out inside the dead-line and part of his head inside the dead-line. The blood was oozing from him. He was then dead. It may have been two or three minutes before I got up to him. I did not see Captain Wirz present. On the 13th of July a man belonging to the 20th Indiana, 3d army corps, was shot on the dead-line. I suppose he was shot by one of the sentries overhead. After the shot had been fired I ran out; saw him recover his piece, and saw the smoke rise. I did not see the man myself, but I heard from his friends that he was dead. A man was shot about the 6th of August. I understood that the man had arrived the same day; that he had gone down to the stockade to get some water; that he had put his hand, with his tin cup or vessel, under the dead-line, and was shot. I heard the shot fired myself from the sentry box. I was on the north side, and had a perfect view down; I could see the water flowing down tinged with his blood; the water was not more than three or four inches deep there. I do not know that man's name or regiment. I do not know whether Captain Wirz was present or not; I did not see him. I have often heard three or four shots fired at night and during the day; but it was impossible for a person, unless he was close, to see when a man was shot. There were twenty-six or twenty-seven thousand people there on the enlargement of the stockade, about the first of July, and I believe there were thirty-five thousand there altogether at one time. One day there was a conversation outside, where I was on parole, about one of the prisoners attempting to get out, or getting into the dead-line, and the guard snapping his gun at him. The reason the guard gave for not shooting was, that he had snapped three or four caps and the piece had not gone off. Wirz said, I believe, that the man ought to be shot himself. I did not see the captain then, for he was outside, but I knew his voice.

A PRISONER SHOT BY WIRZ'S ORDER.

Chickamauga was shot on Sunday, the 15th May, (Whit-Sunday.) The entry in my memorandum is: "The singular cripple shot dead at the stockade." I knew Chickamauga. He was confined in the same building with me in Richmond, and came at the same time to Andersonville.

THE ORDER TO FIRE THE ARTILLERY UPON THE PRISONERS.

I have a memorandum for the 18th of May, in reference to artillery being fired over the stockade; it reads: "General order read that if any attempt be made to break out of the stockade or the gate, the artillery to fire indiscriminately on the stockade." The rebel sergeant of our squad read the order. The order was signed by Captain Wirz; all the orders were signed by him.

CANNON FIRED OVER THE STOCKADE.

On the 28th of May the entry is: "The captain is vigorously looking out for tunnels, and has succeeded." I recollect a shot being fired over the stockade; it was a shell. I have got the date down here. I recollect it very well; I think it was shortly before I left. There were some prisoners coming in at the time, and whenever prisoners came in there was a crowd gathered about them. In fact, the place was so packed that I could hardly call it a crowd; but they got a little closer together. This shot was fired from the battery that overlooked the entire stockade.

TREATMENT OF THE SICK.

I believe the hospital was removed about the 30th of May. The patients were in a most deplorable state. They were lying on the bare ground in shelter tents, with a strip running along, and open at each end. The wind could pass through it. The dead were put out in front of those tents, in view of the dying men themselves. I have known myself, in my own squad, that men were always in dread to go to the hospital, because they were sure to die, and I do not recollect one man that ever went into the hospital who ever came out again, except one man; his name was Kelly; he belonged to my squad; he came out, but was sent back, and he died.

THREATS OF WIRZ.

I never saw the prisoner strike or maltreat any one. I have heard him threaten to shoot men for falling out of the ranks. The time he came there when our rations were first stopped he ordered us all into line and said we were to remain there until he had counted the entire stockade. I think there were about seven or eight thousand men there at the time. It was very warm, and it was almost impossible, from the weakness of the men, for them to stand until he had counted them all. Some of the squad—and I was one myself—went back to their shanties, when Captain Wirz came rushing back with a revolver in his hand and said: "May God Almighty damn me forever and ever if I don't shoot the first man who attempts to leave the ranks." On these occasions there were two sentries in each sentry-box, and directions were given that we should not leave the ranks until the second sentry went down. I have myself, even in defiance of those orders, gone into my shanty, not being able to stand the heat.

Upon the meeting of the court on the 22d of September the judge advocate stated that he had received a note from Mr. Baker, one of the counsel for the prisoner, stating that he (Mr. B.) was too sick to be in attendance to-day. In his absence Mr. Schade would conduct the defence; but in accordance with the request of the counsel, the witness Walsh would be retained to be cross-examined by Mr. Baker.

MEDICAL TESTIMONY.

SEPTEMBER 22, 1865.

Dr. G. S. HOPKINS, for the prosecution:

I reside in Thomasville, Georgia, about one hundred or one hundred and ten miles from Andersonville. I have resided in the south during the rebellion. I was at Andersonville during the summer of 1864. In July, 1864, an order was issued by the governor of the State of Georgia putting the physicians into the militia service. He claimed that they were liable to the militia service, though exempt by confederate law. I went to Macon then and had my choice either to go into the medical department or to go into the trenches. I did not feel able to shoulder the musket. I was assigned to duty at Andersonville, and ordered to report to Chief Surgeon White on the 22d of July, 1864. I remained there until September 8, when I was ordered to report to the commanding officer at Camp Lawton, the new prison at Millen. I graduated as a physician in March, 1845.

DR. HOPKINS'S REPORT OF THE CONDITION OF THE HOSPITAL AND PRISON; THE CAUSES OF DISEASE, AND THE CHANGES NECESSARY TO SECURE THE HEALTH OF THE PRISONERS.

On or about the 28th of July, 1864, I was sent for by General Winder to come to his headquarters. I there received orders to make a thorough inspection of the federal prison and hospital at that place, and report, if I possibly

could, the causes of disease and mortality among the federal prisoners, and to make such suggestions as I deemed necessary to prevent further sickness and mortality. Chief Surgeon White and Acting Assistant Surgeon Watkins were on the committee with me under this order. On the 29th of July we made a thorough inspection of the prison and hospital in obedience to that order. I have my report here.

(A paper being exhibited to witness.)

This is the report made by Dr. Watkins and myself. I can explain why the name of Chief Surgeon White is not attached to it. This is the substance of the report. I have not the original with me. If there is any difference at all between them it is only in a few words, which do not alter the meaning.

The paper which was exhibited to witness, of which the following is a copy, was offered in evidence, and is attached to this record:

ANDERSONVILLE, GEORGIA, *August* 1, 1864.

GENERAL: In obedience to your order of July 28 requiring us to make a careful examination of the federal prison and hospital at this place, and to ascertain and report to you the cause of disease and mortality among the prisoners, and the means necessary to prevent the same, this has been complied with, and we respectfully submit the following:

CAUSE OF DISEASE AND MORTALITY.

1. The large number of prisoners crowded together.
2. The entire absence of all vegetables as diet. so necessary as a preventive of scurvy.
3. The want of barracks to shelter the prisoners from sun and rain.
4. The inadequate supply of wood and good water.
5. Badly cooked food.
6. The filthy condition of prisoners and prison generally.
7. The morbific emanations from the branch or ravine passing through the prison, the condition of which cannot be better explained than by naming it a morass of human excrement and mud.

PREVENTIVE MEASURES.

1. The removal immediately from the prison of not less than 15,000 prisoners.
2. Detail on parole a sufficient number of prisoners to cultivate the necessary supply of vegetables, and until this can be carried into practical operation, the appointment of agents along the different lines of railroad to purchase and forward a supply.
3. The immediate erection of barracks to shelter the prisoners.
4. To furnish the necessary quantity of wood, and have wells dug to supply the deficiency of water.
5. Divide the prisoners into squads, place each squad under the charge of a sergeant, furnish the necessary quantity of soap, and hold these sergeants responsible for the personal cleanliness of his squad; furnish the prisoners with clothing at the expense of the confederate government, and if that government be unable to do so, candidly admit our inability and call upon the federal government to furnish them.
6. By a daily inspection of bake-house and baking.
7. Cover over with sand from the hillsides the entire "morass" not less than six inches deep, board the stream or water-course and confine the men to the use of the sinks, and make the penalty for disobedience of such orders *severe*.

FOR THE HOSPITAL.

We recommend—

1st. The tents be floored with planks; if plank cannot be had, with puncheons; and if this be impossible, then with fine straw, to be frequently changed.

2d. We find an inadequate supply of stool-boxes, and recommend that the number be increased, and that the nurses be required to remove them as soon as used, and before returning them see that they are well washed and limed.

3d. The diet for the sick is not such as they should have, and we recommend that they be supplied with the necessary quantity of beef soup with vegetables.

4th. We also recommend that the surgeons be required to visit the hospitals not less than twice a day.

We cannot too strongly recommend the necessity for the appointment of an efficient medical officer to the exclusive duty of inspecting daily the prison hospital and bakery, requiring of him daily reports of their condition to headquarters.

We have the honor to remain, general, very respectfully,

T. S. HOPKINS,
Acting Assistant Surgeon.

Brigadier General JOHN H. WINDER.

Indorsement: Inspection report of Andersonville prison, July, 1864.

The name of H. E. Watkins, acting assistant surgeon, is also attached to this report. I submitted the report to Chief Surgeon White. I waited two days, supposing that he would hand in his report. As that did not make its appearance I called on him at his headquarters. He asked me "if I had written out my report." I told him that I was waiting for him, but that I had written out some suggestions. I read them. He approved them, saying I had written the truth. He told me to take my report to the Sumter hospital, have it copied, getting Dr. Watkins to sign it with me, and then send it to his headquarters, and he would send it to General Winder. I did so. Several days elapsed. I heard nothing of the report until the field officer, Colonel Harkey, of the fifty-fifth Georgia, who was messing with me, told a gentleman in my presence that two medical reports had been submitted to him and other officers for inspection to report upon them. I asked him if he had mine. He said he had. They were to decide, I think, which report was to be received. The chief surgeon did not sign our report, but made another one. His report was rather different; he did not make altogether the same recommendations that I did. When I read him my report he approved it, and told me that he would sign it if I had it copied and sent to him. I did have it copied, and sent it up immediately. I know that he did not sign it, because I saw the report afterward, and I saw his report, which was different. I was assigned to the engineer department. The engineer officer in charge told me that he had from 1,000 to 1,200 negro men on the works. I was the surgeon assigned to that department. None of my cases died, except one man, who went away and died after he got home. Those men were under my charge from July 22, 1864, till, I think, the 8th of September, when I left, having been ordered to Millen. I went down with a portion of them. I had a conversation with Mrs. Winder, at which General Winder and Captain Wirz were present. She was speaking in relation to matters about the prison. I mentioned to her the condition which I heard it was in, particularly the branch or ravine to which I referred in my report. The general overheard the conversation, turned round and asked me what I was talking about. I told him. He said that that place had been filled up; that it had been attended to. He then referred the matter to Captain Wirz, who, I think, was near by, and to the best of my knowledge and belief the captain told him that the work had been done. I did not find it had been done at that time. It was prior to my report. It was my belief that Captain Wirz told him at that time that it was filled up. I doubt if the general ever went into the prison at all to see what was going on. He had the most explicit confidence in Captain Wirz. I was led to believe so from conversations which I had with him, and from the fact I have just related. I do not know whether anything was ever done to carry out the suggestions made in my report, unless that may be involved in an order which the general sent me in the month of August, to endeavor to procure labor to build a new stockade at Millen. I am not aware, of my own knowledge, that these suggestions were carried out; not at all. (A paper being exhibited to witness;) that is the order given me by General Winder.

The paper just exhibited to witness, of which the following is a copy, was offered in evidence, and is attached to this record:

CAMP SUMTER, ANDERSON, GEORGIA,
August 14, 1864.

SIR: You will proceed at once to Millen, Georgia, the site of the new prison about to be erected. You will deliver to the officer in charge the letter of instructions and the copy of a telegram from the war department, giving him certain authority to proceed at once and procure the labor, &c. You will advise with him, especially in reference to the procurement of labor, act under his instructions and the orders you have from these headquarters.

You will visit such counties as have bcome the homes of planters from Florida and Georgia with their slaves, and in which you have reason to believe you can hire negroes. I desire to avoid impressment, but the work must be hurried to completion.

Very respectfully, your obedient servant,

JOHN H. WINDER, *Brigadier General.*

Lieutenant R. S. HOPKINS, *Camp Sumter.*

I was not at any time on duty as a surgeon in the hospital or prison at Andersonville. The report made by me was the result of my personal examination.

Cross-examined by COUNSEL :

Wy conversation with General Winder, Mrs. General Winder, and Captain Wirz, was previous to my report. I mean previous to this order. It occurred at the quartermaster's store, near the railroad depot at Andersonville. When I spoke of a marsh or swamp filled up, I alluded to the creek or branch passing through the stockade. The trees had all been cut from it, and when I saw it in making my inspection it was in just the condition I have described. I made that inspection some few days after that conversation. I never entered the prison again after my report was made. I entered it but once, and that was the day on which I made my inspection. I do not know whether anything was afterwards done. I remained at the post some time after. It strikes me that I saw the captain at the gate when I was coming out of the prison. I will not be positive as to that. The order for me to make the inspection was issued, according to my recollection, on the 28th, and I made the inspection, I believe, on the 29th; I would not be positive as to the date. I applied to Captain Wirz's headquarters for permission to go in; I could not go in without a pass from his headquarters. I experienced no difficulty in obtaining that pass. Captain Wirz threw no obstacle at all in the way of my examination of the affairs of the prison.

Q. Did you find, by your examination, that Captain Wirz was in any degree the cause of the ills complained of—the overcrowding of the prisoners, &c.?

A. I do not know at whose door the fault lay; but the facts were evident. Captain Wirz's sign at his office designated him as the "commandant of the interior of the prison." I could not see any great difficulty in carrying out those suggestions I made. I think I could have had it done without much trouble. I cannot say if Captain Wirz was responsible for the overcrowded condition of the prison; I don't know who was responsible for it.

Q. In your opinion was Captain Wirz responsible for the evils existing when you made your report? Did you discover anything which led you to believe that he was in any degree guilty in that respect?

A. If I am compelled to answer that question, I must state, unhesitatingly, that it was the implicit confidence which General Winder had in Captain Wirz that caused that state of things to exist; otherwise, the general would certainly have visited the prison, and seen for himself its condition. General Winder did not visit the prison while I was there, that I ever knew of. I never heard of his going to the prison. He might have gone there without my knowledge; I cannot say that he did not visit the prison.

THE FACILITIES FOR SUPPLYING ANDERSONVILLE WITH RATIONS.

SEPTEMBER 22, 1865.

U. B. HARROLD, for the prosecution :

I reside at Americus, Georgia For the last three years I have been purchasing and shipping supplies for the commissary department of the rebel governm nt, for a district embracing from four to six counties in southwestern Georgia, one of the counties being that in which Andersonville is located. I was ordered at all times to hold all supplies which I had at Americus, after May or June, I think, subject, first, to Andersonville in case they should get out of provisions there at any time. My provisions were rather reserved for Andersonville, to to be called on in case of an emergency. I frequently had to ship provisions there very hurriedly; they would send cars down on the railroad for provisions. I was ten miles distant. Such provisions as I had there, bacon and meal,

I don't think they were ever out of at Andersonville; I think they always had them. I don't think I was ever called on for provisions that I did not furnish, with the exception of meal. In the early part of 1864 they depended on my arrangements for meal altogether. During the first two or three months of the prison, say February, March and April, before the crowded condition of the prison, the orders were to issue five days' rations at a time, on requisition. I kept up very well until they began to crowd the prisoners in, and then I could not furnish sufficient meal, and other arrangements were made. The meal was afterwards obtained in large quantities from the Palace mills, in Columbus, which is about one hundred miles from Andersonville. I sent whiskey to Andersonville from time to time, as I was called on by the post commissary. I sent probably about fifty barrels altogether; my reports, which you have, will show the amount to some extent, though not entirely, because some of the reports are missing; but I suppose there were fifty barrels altogether during the year 1864. We had no whiskey in our department after 1864; the contract ran out. But all that we had at Americus, with the exception of twenty barrels, was sent to Andersonville. We had at all times at Americus, I think, as much as we could ship of bread—that is, corn-meal; but bacon was more difficult to get; we were a great deal harder pushed for it. Such supplies as flour, and things of that kind, we got in very limited quantities. Orders were received from my district commissary to hold all flour, syrup, rice, and some few other articles of that kind, exclusively for the Andersonville prison and the confederate hospital at Americus. Those were the peremptory orders from Major Allen, the district commissary at Columbus. Freight trains were passing every day. On some days it was difficult to get transportation, so that cars had to be sent from Andersonville on purpose to bring provisions. In one or two instances the construction train was stopped to haul provisions to Andersonville. There never was a time when there need to have been suffering at Andersonville because of the inability to get supplies there, so far as corn-bread and meal were concerned. I think they always had those. There was no difficulty with regard to transportation. At all times I think they could have procured transportation, and did procure it.

THE CONDITION OF THE PRISONERS GENERALLY KNOWN IN THE SOUTH.

Q. What do you know in regard to the notoriety given throughout Georgia to the sufferings at Andersonville, through the newspapers or by common report?

A. I think it was a matter that was generally canvassed among the people in private circles; I don't think much publicity was ever given to it through the papers. I have seen articles occasionally. If I am not mistaken I have seen articles in a paper published at Columbus, the Columbus Sun; but I am not certain. I have seen considerable in other southern papers, some mention of the troubles at Andersonville; but I don't think the subject was generally discussed in the papers; some letter-writers would occasionally write articles about the prisoners. But it was generally known, I think, through the country—was frequently talked about everywhere.

THE FACILITIES FOR SUPPLYING ANDERSONVILLE WITH RATIONS.

Cross-examined by COUNSEL:

The quality or character of the rations which were sent down there were just exactly the same as were sent to the confederate army. The same provisions were furnished to Andersonville that were furnished to the army, and the same were furnished there as were furnished to the hospital. The meal I sent in the beginning was unbolted; it was ground at small country mills where they had no bolting cloths. From the beginning of the building of the stockade, in January, 1864, I sent meal for about six months, unbolted. But I did not send all the meal that was sent there during that time, because my supplies would not

begin to supply all the meal that was required. All that I sent was unbolted. Our meal in that country is unground, and then sifted when you go to make bread—sifted at home and not bolted at the mills.

By the COURT:

I spoke of a large quantity having been ground at the Palace mills at Columbus, very large mills, the largest in the State. I cannot say positively whether they had there the means for bolting.

MEDICAL TESTIMONY—TREATMENT OF THE SICK.

SEPTEMBER 22, 1865.

Dr. G. L. B. RICE for the prosecution:

I was on duty at Andersonville from about August 1, 1864, until March 10, 1865, I think. I was ordered to report to Dr. White, and he assigned me to duty at the stockade to attend to the sick prisoners. We prescribed outside the stockade; I have forgotten the length of time; it was three or four weeks, more or less; after that I was sent to the hospital; a few days after I got there I was ordered to go into the stockade and report as officer-of-the-day. I did so, and I found the stockade in a deplorable condition. I saw a great deal of suffering, filth, and everything that was bad and unpleasant. We prescribed by formulas or numbers. I commenced prescribing as I had been in the habit of doing at home; but I was informed that I would not be allowed to do that that they had not the medicines. I was handed a list of the medicines that we had to use; they were in formulas and numbers from one up to a certain point—I have forgotten what; we had to use those; it was a new thing to me; I was not accustomed to it, and my opinion was that we could do very little good with that kind of prescription; I regarded that as a very unsafe method of practice. On some of those formulas which I had, the ingredients, I think, were put down; I know that they were toward the last; I did not analyze any of those potions to ascertain whether the report made on the label was true; I had to take their word for it. I complained of that method of practice among the surgeons. I asked them if there was no chance to do better. They said there was not; that some of them had gone to the chief surgeon and complained, and they said there was no other chance, and I concluded that if they could not do any better, as I was one of Joe Brown's crew, who were looked upon as being small fish there, I could do no better of course, and I did not make the attempt. I mean by Joe Brown's crew, Governor Brown. When he ordered out the militia, it was said that made us subject to him. I was brought into his proclamation; I suppose so; they told me so. I knew a great many to die there who I believe died from hunger and starvation and from cold and exposure. I think it was the 10th of March, 1865, when I left the prison. The rigors of the prison did not cease or lighten during the winter; the prisoners were exposed more or less all that time. If all the surgeons had been sent away, and if the prisoners had got the vegetables which they should have had, and more room, a great many more men could have been saved. They needed the right kind of diet more than medicine. They needed also additional room. I made verbal suggestions to Dr. Stevenson in relation to the wood of the stockade—that it was entirely inadequate—and the great necessity for having a larger supply of vegetables for the stockade and hospital. I mentioned to him one day that I had a good many vegetables at home—more than we needed—that they were rotting, and that if he would allow me to go home for a few days, I would bring those vegetables down for the prisoners without any charge; or if he could not do that he could send some man to get them; that they were all going to waste and doing nobody any good, and that, if they were brought to the prison and used properly, they might save some men's lives. He observed that he would like to have them, and turned off and said no more about it. They were not sent for.

THE HOSPITAL FUND.

Q. Do you know anything about the investigation of the conduct of Dr. Stevenson?

A. I was there when a couple of surgeons came on. He was tried for making away with the money that was sent there for the use of the hospital, so I heard. That was the understanding. There was an investigation had. I think he was found guilty. I was called into the room where they were carrying on the investigation, and was asked a few questions by the committee. I do not know the amount of money Dr. Stevenson embezzled. I heard it was from $100,000 to $150,000. I don't know whether it was so or not.

MEN BITTEN BY THE DOGS.

I saw the hounds at Andersonville almost every day. I know that at one time when I was living in a little tent I lost my pocket-book; the hounds were brought and put on the track; that was a few days after I got there. I saw them there nearly every day after that. I one day saw a man who was torn by them; I forget the date; I have no idea of the time. He was knocked up very badly. His skin was not torn, but you could see the blue marks of the prints of the dogs' teeth. I happened to be passing Captain Wirz's headquarters about the time they brought the man up, and I asked some one what was the matter with him. He could hardly walk, and seemed to be bent over from the effects of scurvy, I presumed. I soon found that he had made his escape the night previous, and had been brought in by this man who had the dogs—had been caught by them. I saw the marks of teeth on the man's flesh. I have no idea what month that was. The man was nearly naked; he had nothing on but a shirt, I think. They told me that his clothes had been torn off by the dogs; that he attempted to climb a tree and that the dogs pulled him down.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw two dead bodies there during the time I was there on duty—one in the stockade and one in the hospital. The one in the hospital was shot through the breast. I walked in there one morning to attend to my duties, and I heard that a man had been shot that night by the sentry. I walked around to where he was and inquired of some prisoners how it happened, and they told me that he was a poor crippled man, (I think he had crutches lying by him,) who had walked up near the paling and the sentry had shot him. That case was in the hospital. I saw the other in the stockade near the south gate. I do not know how the entry was made in those cases in the hospital register.

TREATMENT OF THE SICK.

Cross-examined by COUNSEL:

The bad condition of the hospital and stockade continued all the time until I left, which was, I think, the 10th of March, 1865. I saw a great many die in the hospital from starvation, as well as in the stockade. I don't know whether Captain Wirz had anything to do with the rations in the hospital. I know that the chief surgeon had something to do with the rations. I did not speak with Dr. Stevenson again after I had told him once about the vegetables at my house. I never spoke of that matter to him any more. I frequently spoke to him. I several times told him about other things that they needed—straw, bunks, &c., to keep them from lying on the ground. Most of my patients in

he hospital were lying on the ground. Captain Wirz was there all the time I vas at Andersonville. I did not have frequent opportunities to meet him. I ould have seen him any day. A portion of the time he was sick and at his ouse. and I did not see him then for several weeks. He never interfered with ny professional duties that I remember.

Q. Do you think he was responsible for the state of affairs in the stockade? (Question objected to by the judge advocate and withdrawn.)

MEN BITTEN BY THE DOGS.

The hounds which I saw there were the common hounds used in that coun- ry for running wild animals, and some men use them for running negroes— rain them for that purpose.

SHOOTING OF PRISONERS BY THE GUARDS.

In the cases of the dead bodies I saw the men were said to have been shot by the sentinels. I did not see them shot. I saw the bullet hole through the paling in the case of this man in the hospital. I examined that hole in the paling and I have reason to believe that that ball was fired from the outside.

TREATMENT OF OFFICERS WHO WERE PRISONERS AT ANDERSONVILLE.

SEPTEMBER, 22, 1865.

Captain WILSON FRENCH, for the prosecution:

I was lately a captain of the seventeenth Connecticut volunteers. I was captured February 5, 1865, in the southern part of Florida, and was taken to Andersonville, arriving there about the middle of February, 1865. I was confined in Castle Reed with sixty-four other officers. It was a short distance from the stockade. It was not within the main stockade; it was a building formerly used for a guard-house, as I understood. The quality of the rations served out was very poor, and the quantity was not sufficient to sustain life. The rations for an officer for one day were less than two-thirds of a pint of corn-meal, about the same quantity of peas, and from two to three ounces of salt meat after the bone was taken out, and perhaps a half a gill of sorghum. That composed a day's rations. When the meal was sifted there was less than half a pint of it, and less than half a pint of peas after the dirt was taken out. We did not pretend to take out the wormy ones—we cooked those; we merely took out the dirt and gravel. Had we not been allowed to buy provisions we would have starved there. We were allowed to buy provisions. We never had any difficulty in getting vegetables; we used to buy almost anything that we wanted of the sergeant who called the roll mornings and nights. His name was Smith, I think; he was Captain Wirz's chief sergeant; we were divided into messes, eight in each mess; my mess used to buy from two to four bushels of sweet potatoes a week, at the rate of fifteen dollars confederate money per bushel. Turnips we bought at twenty dollars a bushel. We had to buy our own soap for washing our persons and clothing; we bought meat and eggs and biscuit. There seemed to be an abundance of those things. They were in the market constantly. That sergeant used to come down with a wagon-load of potatoes at a time, bringing twenty or twenty-five bushels at a load sometimes. I mean to say that if we had not had the privilege of buying what we needed, we should have starved. The quantity and quality of rations furnished us were not sufficient to sustain life, in my opinion.

Cross-examined by COUNSEL:

I remained at Andersonville about five weeks. Our quarters were very poor. The building in which we were confined was about sixty feet long, and twenty-

five feet wide, and there were sixty-four officers confined in it; so you can imagine that we were pretty closely packed together. We had to do our own cooking in the building, and when first I went there we were not allowed to go outside unless to go to the sink. We had no yard to go into at all. We did not see many of the confederate officers except the sergeant. He threatened sometimes to put us in the stocks. They were giving us from thirteen to fifteen dollars in confederate money to one in greenbacks, and the latter part of the time they gave us twenty dollars for one. A bushel of vegetables, for which was paid twenty dollars, could have been purchased for a one-dollar "greenback"—for less than a one-dollar greenback. According to my observation, produce raised in the southern States was cheaper than that of the north, considering the price of gold.

TREATMENT OF THE DEAD.

SEPTEMBER 22, 1865.

J. R. GRIFFIN, for the prosecution:

The first portion of the past year I was an officer in the confederate service, colonel of the 8th Georgia cavalry, army of northern Virginia. For the past four months I have had an interest in trying to improve and beautify the Andersonville graveyard; that is, I have aided a brother of mine in trying to improve it. About the 20th of May last, being somewhat disabled, I went down for the purpose of observing matters at Andersonville. I heard that there had been a great deal of distress there; that was the reason I went there. I was ordered by General Wilson to go there to look after the prison. I arrived there about the 20th of May, 1865. I arrived under orders from General Wilson to protect the property there, to improve the graveyard, and to cover bodies that had been somewhat exposed, which I did. I found the graveyard in rather a bad condition. It had been disturbed by cows, and part of the graves torn up to some extent, which I had covered. Two of the bodies were exposed; the bodies were placed in lines, and the dirt having been in some instances taken off them in part, the graves were somewhat offensive; that is, of the last bodies buried. No measures had been taken by the rebel government to care for that graveyard that I know of.

Cross-examined by COUNSEL:

I saw no reason at all to believe that the uncovering of those bodies was intentional; it was from want of care. There was no person there to take care of the graveyard. That was three or four weeks, probably, after the Andersonville prison had been broken up.

SEPTEMBER 22, 1865.

J. EVERETT ALDEN, for the prosecution:

I was formerly orderly sergeant of company F, 4th Vermont volunteers. I was captured on the 23d of June and taken to Petersburg; thence to Richmond, there confined at Libby three or four days, and from there was taken to Andersonville. I arrived there July 12, 1864. We were immediately marched to Captain Wirz's headquarters, and there we were counted off into nineties, three of which, 270 men, constituted a detachment.

CONDITION OF THE PRISONERS IN THE STOCKADE.

My detachment was No. 107. I think there were from 29,000 to 30,000 men there at that time. The condition of the men was very bad; some that I saw were nearly naked; some had but a pair of government drawers, and they were so emaciated, so reduced in flesh, that their bones nearly pierced their skin.

most every morning when I went to the creek after water I would see from e to four dead bodies lying on the banks of the creek entirely naked, stripped their clothing, as the other prisoners. As soon as a man died they would ke the opportunity to appropriate his clothing, as they needed it. I should ink the men whom I saw lying there were men who had died from starvation; ey were very poor in flesh.

THE SUPPLY OF WOOD.

The detachment which I was in never drew any wood from the time we went ere till some time towards the last of August, a period of from four to six weeks, should think. We had some cooked rations during that time. Some of the tachments drew a small piece of wood; the wood was issued to the detach- ent. It was then subdivided among the nineties, and then again subdivided small pieces among messes of thirty men each. The wood being divided o thirty pieces, the sergeant having charge of the thirty would distribute it ong the men so that no one could find fault with the quantity which each t. The piece for each man was in thickness and length about the size of my m, and it was to last for three days. Men who drew wood would cook their ions, and as soon as they got through others would use the coals, and by owing them they could partly cook the meal which was issued to them and uld warm the meat. I have seen men digging for roots with which to cook eir rations; it was a common thing; they mostly dug for them in the swamp each side of the creek, the north side more particularly, as that was the der. When it rained the matter from the camps would wash down into the amp, and it was filled with maggots. They must have been from fifteen to enty inches deep. The men were obliged to go down there and dig in that amp to get roots, which they would dry in the sun.

TREATMENT OF THE SICK.

I know something as to how sick men were treated by the doctors. It was y duty at seven o'clock each morning to call the sick, and immediately after ll-call to have them all fall in and march up to sick-call at the south gate. metimes three or four thousand prisoners would collect around this gate to in admission outside. There was a very small space to pass through at the te, and when there were so many prisoners there, over 30,000, two sentinels ere ordered to prevent the crowd from getting close to the gate near the dead- e, and those who went out were admitted in one rank; each sergeant would ll his men and march them out through the gate. When they got outside ere were fifteen to twenty doctors in stalls; each doctor attended to a certain mber of detachments. I have taken men out to the stall of a doctor named illiams, I think, and I have seen men crawl up there on their hands and ees with just life enough in them to get to the stall and plead to be either ken out to the hospital or to have proper medicine given them, something by hich they would be relieved of their distress. Those men the doctor would der to be taken back into the stockade, as they could probably live till to- orrow. He would say, "Take him back into the stockade; he will live until -morrow."

SHOOTING OF PRISONERS BY THE GUARDS.

I have a memorandum, which I made at the time, of the number of men shot sentinels while I was there; I remember the number aside from the memo- ndum; there were seven; I can state the particulars without reference to the emorandum as to the shooting of two of them; I do not think I can as to all

the rest. On July 22, 1864, there was a man killed; I do not know his name or his regiment; he was shot through the groin; he was not killed instantly; he was taken outside to the hospital; the guard shot him; he was over the dead-line; he was a sergeant, and he was anxious to get outside with his men, as he had some who were very badly off; he wanted to be the first to get outside to the door, and he crowded up; the sentinel repeatedly told him to keep back; a sergeant came up to the gate, with whom he was acquainted, and he motioned to him if he could come out; the sergeant beckoned to him to come out, but the guard did not notice it; the man crowded past, and the guard raised his gun; he could not lift it high enough to shoot him through the body, but he shot him through the groin; I did not see the man afterwards; he was a sergeant in charge of a squad; I do not know his name or regiment; I must have been some eight feet from him. Captain Wirz was not present at that time; at least I did not see him. The next instance was July 26th; I cannot tell where that man was shot; he was shot inside the stockade by a sentinel. On the 4th of August two men were shot; I do not know where they were shot; I do not know their names; they were shot inside the stockade. The next instance of shooting was on the 6th of August; I do not know who the man was who was then shot; I do not know whether any of the others, except the first one I have mentioned, died; I merely made a memorandum at the time the event occurred. The next instance was on the 25th of August; I saw that man; the camp was all quiet; it was in the evening, a very bright, moonshiny night, between the hours of ten and twelve; I heard a musket fired; I spoke to the man lying alongside of me, and said there is a man shot, and I am going to see who it is; I arose, and when I got three or four rods, several others joined me and we moved toward the dead-line; I was about a hundred yards from the dead-line at that time, and was looking towards the sentinel; he raised his gun and shot again; that was the second shot at the same man, I suppose; as I got down where I could see a third shot was fired; the man was inside the dead-line, up close to it, and the words he used were, "See if you can kill me now;" I should think, by the conversation, that the officer of the guard was in the sentry-box; the man was shot through the head, the ball passing lengthwise of his body; I inquired round there who the man was, and they said he was a man who was tired of living, and wanted the sentinel to shoot him; I think he was shot in the leg by the first discharge; the last ball proved fatal. The man died in the course of ten minutes; I do not know his name or regiment; it was in the north end of the stockade. The creek does not run exactly in the centre of the camp. It was in the larger part of the stockade towards the end—about the middle of the stockade. I find also that one man was shot on the 5th of September; I do not know any of the circumstances. On January 1, 1865, I saw a man shot; I saw him after he was dead; he was struck in the head; the sentinel that shot him was near the south gate; I know the circumstances of the shooting; it was the last time I was put in the stockade; I left there in September and went in there again towards the last of December. There were boards piled up near the dead-line in the stockade, and men who were destitute of anything to lie upon thought that if they could get those boards they would make a floor to keep them from lying on the ground; after it was dark several made attempts to get them, and were successful. This man did not prove quite as much so as the rest; he had hold of the end of a board and was dragging at it. It was a very cold night, about ten or eleven o'clock; the sentry had gone down from his box to warm himself by the fire, and the fellow took the opportunity to get the board, but in doing so he made somewhat of a noise, which alarmed the sentinel, who crept up to a crack and saw the man getting the board, and then he slyly went up stairs and shot the man without any warning. I should think the boards were within ten or fifteen feet of the stockade; five feet from

the dead-line, perhaps; I do not think the dead-line was over twenty feet from the stockade.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I have seen acts of cruelty committed by Captain Wirz. Last September the hundred to which I belonged were ordered to get ready and march out of the stockade. As we marched out—it was at night, and there were fires on each side of the gate, so that they could see to count the men off as they passed out—a large fellow, named, I think, Williams, a rebel sergeant, had a large stick, or club, in his hand. Captain Wirz was outside of the gate, and this Williams got the men in four ranks, so that they could be counted, while another man counted them at the gate. The men were so impatient to get outside the stockade that they crowded down as near the gate as they could get, and a great many who did not belong in the hundreds flanked out. At last Captain Wirz became very much enraged because the men crowded down on him, and did not give him a chance to get them into four ranks, so that he could count them He told the sergeant to knock them down, if they did not keep back out of the way. He struck down between the files, but hit nobody.

STOPPAGE OF RATIONS.

Along in July, or perhaps in August, there was a good deal of stealing going on in the camp, and the prisoners thought they would take the matter into their own hands and punish the offenders, as the rebels never took any notice of the matter when it was reported to them. One man who had stolen a canteen was taken by the prisoners and half of his head was shaved and the letter T marked with ink upon his forehead, and he was beaten about the camp by the prisoners with tin-pans and one thing or another. The quartermaster came in and saw how the men were treated, and reported it to Captain Wirz; at least, I supposed it was reported. I know the rations were stopped immediately following. They were stopped until the man who did this printing should be turned over to Captain Wirz, or should report himself. We were told that the camp would get no rations until he came out. We got rations; I don't know whether this man was ever taken outside or not. My rations were stopped another time. One night a piece of the dead-line was stolen for wood, and an order came into camp that no rations would be served until that man had delivered himself up. I have forgotten the precise date this occurred; I think it was in February, 1865. The man in the division to which I belonged voluntarily offered to go and give himself up and bear the punishment, if each division would allow him an extra ration, which they did. He went to the gate, and was taken to Captain Wirz by the guard. What punishment was inflicted on him I never heard. He was not the man who took the wood. He gave himself up in order that our rations might come in again. The rations were stopped in the morning, and it must have been about noon when he went out. I did not know who the real offender was. He never was known. I do not remember any other occasion when our rations were stopped.

THE SUPPLY OF WOOD.

Cross-examined by COUNSEL:

I remained in the stockade the first time until the last of September. I was placed in there three times. I came back again the middle of December—about the 23d. I remained there then until the first of April. During the time we had no wood served out to us we drew cooked rations from the cook-house. I don't know exactly the time. We received no wood from the time we went in there until the last of August. We drew cooked rations when we first went there.

CONDITION OF PRISONERS IN THE STOCKADE.

I judged that the dead bodies of the persons that I saw lying near the creek had died from starvation, from their emaciated condition. It was only my opinion.

SHOOTING OF PRISONERS BY THE GUARDS.

It was an impossibility for me to put down every instance of shooting while I was there, because men could be shot in the south part of the stockade while I knew nothing about it, as I was in the north part; the stockade was crowded with men, there being at one time between 35,000 and 37,000 men there. It was a common occurrence each night to hear from one to five shots in the stockade. I could not tell whether men were killed every time, or who they were. I saw the body of the man shot on the 25th of August. I saw him shot. I did not see the man until the third shot was fired. I saw the shot fired from the sentry-box, but the tents were so that I could not see the man until I got past the tents. I then saw the guard fire the third shot, and saw the man. In reference to the case of shooting on the 1st of January, I cannot say that I saw the guard go up slyly. I was not present when the man was shot. I saw the man after he was shot. I did not see him shot.

Q. You don't know whether the circumstances you have related took place or not? You don't know whether the sentinel came up slyly or not?

A. No, sir. I wouldn't state that as a fact, but I knew it well enough; it is my opinion. I did not see it myself.

THE RATIONS.

By the COURT:

The rations were very small in 1865.

Q. Was there any difference as to rations between that and the preceding time?

A. I think they were not so good as before. I think there were between 9,000 and 10,000 prisoners there at that time.

SEPTEMBER 22, 1865.

ROBERT TATE, for the prosecution:

I was in the military service of the United States, in the fifty-second regiment Pennsylvania volunteers. I was taken to Andersonville February 27, 1864, and remained until the latter part of December, 1864.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I saw Captain Wirz commit acts of cruelty while I was at Andersonville. I saw him kick men who were not able to stand on their feet at roll-call. About the first of May one case occurred. It was a man who was very sick and weak. The orders were to fall into line in the morning at seven o'clock at roll-call, and the men were kept standing there in the heat of the sun until about twelve o'clock. This man fell down out of the line and his comrades rolled him out alongside under one of the sheds there. Captain Wirz came along and saw the man there and asked him what he was doing there. The man told him he was sick and could not stand in line. Captain Wirz said, "God damn your soul, I will keep you into line." He kicked the man and rolled him back to the line; the man lay there and was not able to stand up. In the course of two days the man died. I don't know what his name was or his regiment.

THE CHAIN-GANG.

I have not seen Captain Wirz put any men in the chain-gang, but he gave the orders to have it done. I saw twelve men chained together; they had three

balls, each weighing 60 pounds, in the centre of them, and then on each leg on the outside there was a ball of 32 pounds, and they were chained together by the necks and a chain about an inch and a half long, and an iron collar around their neck. They were put in chains for attempting to escape; I saw men put in when ladies were present. I saw them put in when Captain Wirz's lady and his daughters were there. I saw the captain give the orders to walk them around and show his lady and daughters the way they walked; they stood and laughed at it and thought it was sport. That was in July; I cannot state exactly what part of the month. He made them walk about twenty yards. I saw men die—not exactly in the chain-gang; they were released about ten hours before they died. One man was very sick when he was put in; he had the chronic diarrhœa. He remained in the chain-gang about two days; he was put in for attempting to escape; that was what I understood. One evening the surgeon in charge told Captain Wirz he had better take that man out; Captain Wirz gave orders to have him released. The next morning I saw the man hauled to the graveyard; I do not know whether the chains were on him when he died.

WIRZ SHOOTS AT A PRISONER.

The prisoner fired his pistol at me one day for being out of line at roll-call. I had a very sore leg and could not stand more than about half an hour at a time. I got weak and left the line and went into the shade of a tent and lay down there; directly Captain Wirz came out. I heard the sound of his footsteps and hastened to get back into line so that he could not see me, but he saw me and said: "Hold on there, you Yankee son-of-a-bitch." I commenced running; he said: "Hold on;" I kept running; he fired his pistol. I got back into line and tried to hide myself. Captain Wirz came along and wanted to know where that man was, and said that he would not issue any rations till the man was found. I stepped out and said: "Captain Wirz, I have a sore leg." He said: "God damn. I wish the legs would rot off of every damn son-of-a-bitch in the stockade, and I would have no more trouble with you." The ball from his pistol did not strike me.

STOPPAGE OF RATIONS.

I know the rations were stopped on the 1st of April, 1864; I do not know the cause; I think it was on account of some trouble at roll-call. There were too many men in the stockade and Captain Wirz could not get the exact number of the prisoners; and he swore that he would not issue rations till he got the exact number of the men in the stockade. He said that we got more than we deserved; that if he had his will, he would not give us anything to eat.

THE STOCKS.

I knew some Libby prisoners who were put in the stocks; I don't know of any who died while in the stocks; I don't know of any who died immediately after being taken out. I have known them to die in the course of three weeks afterward. I have known a man to be kept in the stocks forty-eight hours without anything to eat or drink, except what was smuggled to him; that was Captain Wirz's order, not to give him anything to eat or drink for forty-eight hours. His name was B. F. Russell; he belonged to the 17th Pennsylvania cavalry, company A.

ACTS OF CRUELTY COMMITTED BY WIRZ.

Cross-examined by COUNSEL:

I suppose the disease or complaint of the first man I saw Captain Wirz kick was chronic diarrhœa and weakness; I cannot exactly state what was his disease

The man died about two days after the occurrence; I don't know of what he died; I suppose it was of the kicking he got; that is my supposition.

THE CHAIN-GANG.

I saw the man put in the chain-gang outside of the stockade; he was captured by the hounds and brought there. The way I came to be there was, I was detailed to work in the cook-house outside the stockade. I saw a man outside the stockade put in the chain-gang; he was taken to the blacksmith shop at the depot, and the blacksmith did the work; I was present at the blacksmith shop and saw it done. I did not hear the surgeon tell Captain Wirz that a man was sick in the chain-gang; that was what the man himself told us.

SEPTEMBER 22, 1865.

SAMUEL J. M. ANDREWS, for the prosecution:

I was in the military service of the United States; I belonged to the 17th Illinois infantry; I was a prisoner at Andersonville from April 27th, 1864, till some time in September, 1864.

VACCINATION.

I saw a good many cases of vaccination while there; I should think two or three hundred; almost all that I saw had large sores upon their arms, and some on other parts of their body, from the size of a dollar to that of the palm of my hand; some had two on the same arm, some one on each arm; almost invariably, so far as I knew, amputation was the result; death was the final result in almost all cases of amputation; I have known instances in which men suffering from these sores became insane; I have seen two or three such cases; I observed one in particular; the man was in the same tent as I was in the hospital; he seemed to be completely insane; his agony and suffering was so intense that that seemed to be the cause of his insanity—the suffering which he endured from these sores.

CONDITION OF THE PRISONERS IN THE HOSPITAL

I have seen men die suddenly there; I remember distinctly seeing two men fall over and die upon the spot, or rather fall over dead; they were both at the sink and they fell forward dead while there; one of them was inside the stockade before the hospital was removed outside; the other was in the hospital after it was removed outside; one of the men was brought over to my tent; I was nursing at the time; he was brought over one day and died the next; I saw one patient in the hospital with ball and chain attached to his ankle; he was so weak that he was hardly able to walk; I saw another one with a shackle on his ankle; he said he had cut the ball off; he had no ball attached at the time I saw him, although he had shackles about his ankle; I do not know with what disease the man was suffering who had the ball and chain on him, but I should suppose from his appearance it was diarrhœa; I do not know what was the matter with the other man.

Cross-examined by COUNSEL:

I was in the hospital at Andersonville about five months.

By the COURT:

I have not recovered from the effects of that confinement there; I am still troubled with the effects of what I suppose to be scurvy; my mouth and gums occasionally bleed without any apparent cause; when I went to the hospital I had a wound which I received when I was captured; I was captured at Merid-

n, Mississippi; I went to the hospital immediately; the hospital was not moved from the stockade for about three weeks after I went into it; I had at little to do with rebel officials there, for they let me alone, and my treatment om our own men was very good; the rebel medical officers did not have much do with me; they gave me the privilege, on one occasion, of nursing, which did for one or two weeks; on another occasion I got the privilege of dressing ounds, which I did for two weeks; I was able to go about from the time I got to the hospital; I received medicine on several occasions.

By Counsel:

There was one of the men who arrived with me at Andersonville who lost his g; we were together all the time that he was at Andersonville; I do not know at I can say the doctors ever ill-treated me in the hospital; my surgeon was very kind man indeed; his name was Alexander; he was in the confederate rvice; I believed him at the time to be a Union man, and do so still.

September 22, 1865.

William B. Francis, for the prosecution:

I was in the military service, in company B, 75th Ohio; I was a prisoner Andersonville in the neighborhood of a month; I went there the 20th of ugust, 1864, and left the 17th of September; I know Captain Wirz.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

When I was first brought to Andersonville they kept us there about two hours anding in the sun waiting for orders; the orders came for the guards to take erything away from us; they made us peel off all our clothes and they searched em; I took off everything but my socks; they cut the waistband of my pants, e top part of my cap, and the lining of my jacket; I had a cavalry jacket; ey took from me ninety-six dollars and one dollar in gold, four photographs, d two ambrotypes; Captain Wirz's men took them from me; he was not ere then; I made a request to have the photographs returned to me and was ld it was against Captain Wirz's orders; the men when they were searched ere drawn up right below the railroad, by the little building there, a kind of ard-house, I think; others were searched and robbed at the same time; some ere robbed of three hundred dollars; I never got any of the property that as taken from me.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I saw Captain Wirz first about the 6th or 8th of September; there was a ck man coming out who had the scurvy in his feet; he could not walk and he inted away; Captain Wirz stood there; some men at the stockade gate told e it was he; he hallooed at the sick man to clear out; the man could not; aptain Wirz then hallooed out: "The damned son-of-a-bitch is possuming!" e went up to the man and ordered him up; the man could not get up; Captain irz then kicked him three or four times and ordered him to be taken away, d he was taken away.

THREATS OF WIRZ.

The prisoner alluded to my condition; we were going out one day, three or ur of us, when we met Wirz. He drew his revolver and whipped out an oath, ying, "Damn you, I will shoot you!" He ran up to me and said, "You Yan- e son-of-a-bitch, if you think you can fool me you are mistaken; I will put ou back in the stockade, where they are dying at the rate of two hundred a

day, and if that will not do I will give the sentries thirty days' furlough for every man they shoot." We had got out of the stockade along about four o'clock in the evening and were getting to the rear when he saw us; I am sure he mentioned that matter about furloughs.

SHOOTING OF PRISONERS BY THE GUARDS.

I saw a man shot there one day; I do not recollect the date; it was a Sunday morning; the man was hanging out his shirt on the dead-line; the wind blew it off; the man reached over the dead-line to pick it up, when the guard fired and shot him through the knee, and shooting through the head a sergeant who was lying in his tent; when the sentry fired at the soldier in the stockade I observed four or five men came to him, and took down, I suppose, his name and regiment; I watched particularly and the man never came back on post; it was post 36, on the north side of the stockade, not far from where I stopped.

MEN BITTEN BY THE DOGS.

Every morning about seven o'clock the horn would be blown and the hounds would run up; I recollect once or twice the hounds going into the stockade and striking out on a trail, and I have seen men brought back bitten by the dogs; they all said they were put in the stocks; I saw two men tied up outside of the stockade when I went away from there; but I do not know for what; they were tied up by the hands; I could not tell whether by the thumbs or wrists.

THE RATIONS.

I never drew any wood; the rations were partly cooked; it was pretended to be cooked, but it was not; blood was always in the beef and it was raw; it was cooked up in quarters; the bread was made sometimes with salt, sometimes without salt; sometimes the meal was bolted, sometimes it was not; sometimes it was sour, and sometimes not; I never dug roots, but I saw men dig five or six feet for roots on the north side of the stockade; I saw men in the swamp digging after roots where the maggots were two feet deep.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

Cross-examined by COUNSEL:

I was not in any corps; we were in the district of Florida where General Foster was in command; we were under General Hatch; I arrived at Andersonville on the 20th of August, I think; I did not see Captain Wirz then; they were sergeants, I suppose, who searched me; they said it was by the captain's orders; they did not say what captain's; it was right below the railroad depot that they searched us, between a quarter and half a mile from the stockade; I remained there until the 17th September.

THE RATIONS.

The rations were all cooked with the exception of some rice and meal.

THREATS OF WIRZ.

I flanked out of the stockade at the time I had this conversation with Captain Wirz; I did not go back at all; I went to Charleston; Captain Wirz did not discover that had I flanked him; if he had he would have killed me I expect.

SHOOTING OF PRISONERS BY THE GUARDS.

Q. Were you near the man who was shot near the dead-line?

A. It was something like four or five rods from where I stopped. I did not see the man at the time, but I heard the shot fired and I was there in a few minutes afterwards. Men were shot there almost all the time through the night; they said he was not inside the dead-line; that the shirt blew over and he reached under the line to get it; I did not see his shirt that I recollect.

By the COURT:

The man who was wounded said it was so; he said so at the time; the wounded man did not die that I know of; he was not brought to the hospital; I do not know what became of him; the body was outside the dead-line when I got there; he was sitting down.

By the COUNSEL:

He was shot through the knee; in two or three minutes afterward I saw him, as soon as I could get there.

SEPTEMBER 22, 1865.

JOHN A. CAIN, for the prosecution:

I was in the military service of the United States; I enlisted in the California cavalry battalion, at San Francisco.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I was taken prisoner the 22d February, 1864; I was taken to Richmond, Va., and remained there three or four days, long enough to be searched and have everything taken from me and the rest of us. I was taken from there to Andersonville, and arrived at Andersonville on the 10th of March, 1864; it was raining very hard when we arrived there, about two o'clock in the morning. We were drawn up in line four deep, about 1,000 of us, and were marched through water about knee deep; a great many of the men were very sick and feeble; they were forced to walk through that mud and water about knee deep to the stockade, a distance of about half a mile; they were turned loose into the stockade; it was raining hard and we were without shelter and we did not know where to go; they were ordered to fall in the next morning to receive orders how we were to proceed while there. Being very dry I started to the swamp to get some water; in the dark I fell into a hole headlong; however, after some difficulty, I found the water and got a drink and started back; I came across several shebangs, as we called them, rudely constructed tents and covers made out of pine boughs and poles; they were a poor excuse for covering; the rain was beating on the men who were lying under them; the men were very emaciated and sick, as I thought; some were groaning. We had some little talk with them; they told us that we had no shelter and that we would have to do the best we could. I went upon the shady side of a large tree and stood up and sat down as best I could until morning; it rained until daylight. When daylight came, I can hardly describe the scene that I beheld—men lying around in all directions sick, very sick and feeble; most of them were Belle island prisoners. It did not matter about the health of the men; it seemed to me that the healthiest of the men took sick as quick, if not quicker, than some of those who were weak. Two of my own comrades—stouter or heartier men never lived—took sick the next day; I did not know from what cause unless it was from change of water; we had to carry one of them in a blanket to the hospital. This hospital was only a few boards thrown together very temporarily to shed the rain off those very sick lying in there; they were lying in their own filth, with nobody to take care of

them. When I visited the hospital to see my own comrades, men would appeal to me to help them to the sink, or to give them a drink of water, or a piece of bread or something of that kind; I very nearly got sick at the stomach and had to leave the place. About ten o'clock that day I was ordered to the other side of the stockade; the place was very steep, rising up from the swamp; it could not be called a hill—it was a bank, inclining at an angle of about forty degrees; I was allotted to a place on that bank that was very difficult for a sick man or a weak man to ascend without good help, without two men to help him; I was obliged to lie there until I was taken to the hospital. I got scurvy and diarrhœa after a while; I was obliged to lie there without shelter; we sat by a fire which a hat would cover up, made of pitch-pine roots; I sat there for twenty hours at one time in the rain; it rained a great deal during the month of April. We could not cook what raw rations we got; I very often mixed up meal and ate it raw for want of wood and cooking utensils. We got a little more than a pint of meal; that was before Captain Wirz took command; we got a little better than that after he took command. The rations consisted of about a pint of meal and a half a pound of very coarse beef; we took it to be mule flesh; it looked more like horse or mule flesh than beef; we got about a teaspoonful of salt; that was our rations for twenty-four hours; I very often ate my beef or mule flesh raw; I just picked the bones. In that condition I lay on that side of the hill until about the 23d of May, when I became so weak that I could not get up to roll-call in the morning. Captain Wirz's sergeants ordered all the sick to fall in every morning, if they had to be carried up; I very often got some of my comrades to help me up this hill, and in many instances I fainted away when I got up. One time at the top of the hill I fainted away and was conveyed temporarily to a little tent, consequently missing the roll-call; the sergeant asked where I was; they could not find me; and he ordered my rations to be stopped that day; it was neglect of some comrades for not having me up. I finally got discouraged and made up mind to die; I did not wish to be any more trouble to my comrades, and I went over to the gate and was successful in getting to the hospital; that was a little after the hospital was moved out of the stockade, about the 23d or 24th of May, I think. What transpired in the stockade after that I cannot say, except as I might see the victims of Wirz's cruelty come to the hospital. I was paroled as a nurse, or was allowed the privilege of nursing; we had no more liberty than any of the rest of the sick; I was very often allowed to go to the gate to help sick men off the wagons or ambulances, or to carry the men on stretchers. I had an opportunity there of seeing the cook-house and of seeing the rations taken out, and of hearing news of the inner part of the stockade.

SHOOTING OF PRISONERS BY THE GUARDS.

I kept a memorandum of the events that transpired there. By reference to that memorandum-book I can tell about men being shot there by the sentinels; I can recollect, without referring to the memorandum, the case of three prisoners who were shot by the sentinels. About the middle of April, 1864, (witness refers to his memorandum-book and gives the date as the 23d of April,) an insane man was shot; he was considered insane by us; he would go around among the debris of the swamp and pick up undigested food, beans and meat, that had passed through men; I have often myself tried to turn him from it, telling him to go to his quarters and let that alone, or something to that effect, which made me form the conclusion that he was insane or crazy; he was very emaciated. He was one of the Belle Island prisoners. I know something about a man being shot on the 2d of May; I do not know that I saw him before he was shot; he was a man of dark complexion; I took him to be a German; he belonged to a Pennsylvania regiment; I do not know his name; I was told he was an insane

nan; he was near the hospital, or rather on the southeast corner of the stockade vhere the hospital was located first; I do not recollect seeing Captain Wirz hen; I did not see him on the other occasion, April 23d; my tent was in the niddle of the stockade, and if there had been anything of that kind occurring, y the time I could get there through the crowd of men it was all over. I know omething about a guard at the hospital shooting a man; the entry in my nemorandum of the 25th of July is, "Rebel guard shot a sick Union prisoner or coming near his fire." His leg was amputated near the thigh; he died; I annot say when; I did not see him when he was shot; it was done about nine 'clock in the morning; I had been at his fire before he was shot, and I was here about ten minutes after he was shot; I heard the report and got up, and eard the man moaning very piteously; I went down to where he was; they ad just carried him into the tent; I heard him make a statement the next day; he guard had their line inside on this end of the swamp hospital; it was very ommon for us to go down and sit near the fires and converse with the guard nd trade with them; there was no order against that; I often went down and varmed myself, and heated soup and mush and corn-meal coffee; we used to all it conscript; this man said he went down as usual and sat near the fire, and hat the first thing he knew, the guard, without any warning, drew his musket nd shot him.

Q. Do you know anything of a man that was shot on the day following, the 6th of July?

A. I heard the shot, but did not see the man. Not long afterwards the man vas brought into the hospital; I did not see him after he was brought in; some me in July; I recollect it without reference to my diary; it was about the niddle of July; his name was John Burke; he belonged to the sixty-ninth Jew York volunteers, Colonel Corcoran's old regiment; he was brought to ny place where I was nursing; I had five tents to take care of, three in a tent; e was sent to me to take care of; the ball went in the right cheek, cut off his ongue, cut out his upper teeth, passed out through his left jaw, and cut three f his fingers nearly off; he was sitting in his tent at the time, smoking his pipe, vhen the ball went in and struck him. That man died; he made a statement to ne when he was aware he could not live; he said he was starving to death; e could not eat what he got, and could not get anything better to eat; I made requisition on the doctor's steward for suitable food; in some instances it was to e had, but he could not get it; this man died in consequence of gangrene getting n his tongue, and breathing through it, the doctor said, was the cause of his eath; he died about a day after being removed from my charge; he was sent o the surgical ward, but it was too late.

By the COURT:

The man stated how he came to be shot; he said he was lying in his tent, nd that the guard fired at a man right on the dead-line, missing the man and itting him. I know the date when John Burke died; about the 25th or 26th f July, I think.

GENERAL COBB'S SPEECH.

General Cobb was at Andersonville about the 2d of May, and made a little peech to us, not very gentlemanly or encouraging to us. I do not recollect eeing Governor Brown, of Georgia, at Andersonville there at that time, but eneral Cobb made some allusion to a remark which Brown had made, that he ould not have us there any longer, as we were a nuisance to the country; eneral Cobb made this remark to some of the men; he said that Governor rown said he would not keep us there any longer; that we were a nuisance o the country, and that if Jefferson Davis did not move us he would move us n his own responsibility, or something to that effect.

GENERAL WINDER ORDERS THE GUARD TO SHOOT PRISONERS.

General Winder visited the hospital after I was sent there; I know something about his ordering men to be shot about the 20th of July; I was standing at the gate; there had been no dead-line established inside the hospital, never; in fact there was no dead-line except right in front of the gate; in order to keep the gate clear he ordered the guard to shoot any damned Yankee who would trespass on the dead-line; it was only a mark sometimes made in the dust with a bayonet; he said, further, "Any Yankee son-of-a-bitch you catch bathing in that creek down there shoot him." The nurses and attendants had a parole at that time; the pass was taken away from us, and we were refused the privilege of bathing in the creek; we bathed below the hospital; we had a ditch dug through one end of the hospital for washing-water, and a sink at the lower end; it was a tributary of Sweet Water branch; I did not see any reason why I should not be allowed to bathe there; it was all swamp waste land beyond that.

SHOOTING OF PRISONERS BY THE GUARD.

Cross-examined by COUNSEL:

John Burke spoke very inaudibly and incorrectly, but I could understand him; he wrote on paper at different times the things he wanted. The man that was shot at the fire, was shot as he stood at the fire. He went there to warm himself, as usual, as there were no orders against it. It was very chilly on the evening of the 25th of July, especially to a man in his condition, especially in rainy weather, and with no blankets. Referring to my memorandum of the 9th of August, in reference to John Burke, the entry is, "Burke, who was shot in the face, is dying for the want of proper nourishment" That is what he told me the evening before he was removed from my care to the surgical ward.

The ASSISTANT JUDGE ADVOCATE submitted to the court the entry in the hospital record in the case of John Burke, showing that he died of dysentery on the 10th of August.

WITNESS. Burke had no dysentery; I will state to the court that I am crippled myself now from the effects of my imprisonment.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When I arrived on the 10th of March there were twenty-two thousand prisoners in the stockade, I think; the hundred that I was assigned to was the 25th hundred; that was before the stockade was enlarged; at the time I was transferred to the hospital there were 18,000 or 20,000 prisoners in the stockade; Captain Wirz came there about ten days or two weeks after I had got there; there were about 14,000 or 15,000 prisoners there then; I helped to carry the sick from the stockade to the hospital myself on stretchers; there was a doctor in charge to receive men who were brought to the hospital gate, and such men as he thought fit to be admitted to the hospital he had carried in; I cannot say that I saw any other man eat undigested food, except the insane man I have mentioned, although I heard of it; I think no person but a crazy man would do it.

GENERAL WINDER ORDERS THE GUARD TO SHOOT PRISONERS

I think it was about the 20th of July that General Winder gave the order to shoot men. (Witness refers to his diary.) The entry is, "General Winder orders the guard to shoot every Yankee son-of-a-bitch caught trespassing on the dead-line or bathing in the river."

SEPTEMBER 22, 1865.

GEORGE W. GRAY, for the prosecution:

I am in the military service of the United States; in the seventh Indiana valry, company B.

Q. How long have you been in the service?

A. In my last term two years and one month; I was taken to Andersonville the 10th of June, 1864, and remained there until November.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

When I was first taken there, there was a number of men in our gang, out five or six hundred, drawn up in line in front of the prison. They were dered to put their blankets, knapsacks, haversacks, canteens, &c., in a pile; e were marched out by file and laid them down; after they were laid down officer rode out on a gray horse, I do not know who he was, and ordered e guards and the men standing by to take what they wanted out of the pile, d when they got what they wanted the prisoners could have the balance; but ien they got what they wanted they had it all; I am not certain whether it as Captain Wirz who was on the horse, or not; I did not know the man; it as the first time I saw the man's face; I have seen the man since, but whether was Captain Wirz, or not, I cannot say for certain; we were then marched o the prison and were turned out loose among the balance of the men, just as rses are turned into pasture among other horses; we then got together as best e could. About the last of June or July, 1864, a young fellow named Under- ood, of the 7th Indiana cavalry, company L, my own regiment, who was ounded at that time, went down to a sort of a sutler's concern they had there. aptain Wirz was there at the time; Underwood asked for something to wrap s wound with; the man said that he would give it to him; said Captain Wirz, No, he cannot have it unless he pays me a dollar." Underwood gave him his st money, which was a ten-dollar bill; before that I had heard Wirz ask nderwood what regiment he belonged to, and in what battle he was wounded, that Wirz knew that he was a wounded man; when Underwood asked him r his change Wirz kicked him out of the door; he did not give him back the ne dollars; I heard Lieutenant Davis call him Captain Wirz before that, and knew the man when I saw him there; but the person I saw on the white rse I did not know then; I had not heard any one call his name up to that me.

THE DOGS—THE STOCKS.

About the last of August I made my escape from Andersonville, and was ertaken by a lot of hounds; before the catch dog could get at me I took a ee; after I took the tree the hounds circled around and barked until the catch g came up; when the catch dog came up some Johnnies came up also, and emanded that I should come down; I told them to tie that dog and that I ould come down, but not before; they said they would tie one of the other gs; I said no, that they should tie up the catch dog; they tied him and I me down; the hounds did not touch me—I knew they would not—for the ason that I used to catch niggers myself with them, and so knew all about em; I was brought back to Andersonville prison and taken to Wirz's quar- rs; I was ordered by him to be put in the stocks, where I remained for four ays, with my feet placed in a block and another lever placed over my legs, ith my arms thrown back, and a chain running across the arms; I remained ur days there in the sun; that was my punishment for trying to get away from e prison. At the same time a young man was placed in the stocks—the third an from me; he died there; he was a little sick when he went in, and he died

there; I do not know his name; if I heard it, I have forgotten it; this occurred about the last of August or the first of September, 1864; I am certain he died; the negroes took him out of the stocks after he was dead, threw him into the wagon, and hauled him away.

A PRISONER SHOT BY WIRZ.

Q. Do you know anything about the prisoner having shot a prisoner of war there at any time?

A. He shot a young fellow named William Stewart, a private belonging to the 9th Minnesota infantry. He and I went out of the stockade with a dead body, and after laying the dead body in the dead-house Captain Wirz rode up to us and asked by what authority we were out there or what we were doing there. Stewart said we were there by proper authority. Wirz said no more, but drew a revolver and shot the man. After he was killed the guard took from the body about twenty or thirty dollars, and Wirz took the money from the guard and rode off, telling the guard to take me to prison.

Q. Are you sure about that?

A. If I was not I would not speak it.

Q. By whose orders did you come out with the dead body?

A. It was my determination—I don't know whether it was Stewart's or not—to get away again. For that reason we went out. We begged for the dead body.

Q. Do you know whether that was the time that Lieutenant Davis had something to do with the prison?

A. I recollect now that Lieutenant Davis ordered the sergeants of each detachment to detail men to carry out of the stockade the dead bodies of men belonging to that detachment.

Q. State what Captain Wirz had in his hand when he shot that soldier.

A. He had a revolver; whether a navy pistol or not I don't know; it was a large pistol.

Q. How near was he to him?

A. About eight feet from him, I think.

Q. Where did the ball take effect in your comrade?

A. In the breast. He died right there where he was shot.

Q. Were you at the time attempting to make your escape?

A. No, sir; but it was my intention if I could, to do so. I was not attempting it at that time, nor was Stewart.

Q. How far were you from the dead-house?

A. About fifty yards—about half the distance from the stockade to the dead house; a little off and to one side of it.

Q. You do not know whether Lieutenant Davis had a partial command there?

A. I think that in September Captain Wirz was relieved temporarily by Lieutenant Davis on account of ill health, for about two weeks, probably.

Q. Of the fact of Wirz committing this particular offence, you are certain?

A. I am, sir.

Q. Did you state the time when Stewart was shot?

A. It was about the middle of September, after I got out of the stocks.

Q. When testifying with reference to the man on the white horse, you said something about not being able to identify him; had you any difficulty afterwards in identifying Captain Wirz?

A. The first time I knew such a man in the prison, I heard Lieutenant Davis call the name at the gate. He said, "Captain Wirz, come down this way." I looked at the man and asked the boys if it was not the commander of the Andersonville prison.

The judge advocate called upon the prisoner to stand up for identification.

The prisoner, who was lying on a lounge, partly raised himself, turning his ıce to the witness.

Q. Do you recognize that man as the person who shot your comrade?

A. That is the man.

The prisoner attempted to say something in contradiction of the witness, but as not permitted by the court.

The judge advocate requested the prisoner to stand up on his feet.

The prisoner having complied with the judge advocate's request, the witness ooked at him and said, "I think that is the man."

Q. The person whom you have been talking about, you were afterwards in ıe habit of recognizing in the prison as Captain Wirz?

A. Yes.

Q. Do you recollect whether the man who shot your comrade had a foreign ccent?

A. I took him to be a German or a foreigner by his talk, for this reason: hen I was put in the stocks he said to me, "Cott tam you, I fix you." For ıat reason I took him to be a foreigner or a Dutchman.

(See testimony of witness in regard to "private property taken from prisoners," connection with the identification of Captain Wirz as the person who shot tewart.)

THREATS OF WIRZ.

There came an order to parole the sick soldiers there; they were to be emoved from that prison and all the prisoners were to be brought to the gate. being late in the afternoon and the roads being very muddy, I requested aptain Wirz to permit me to aid these men in getting to the cars. His reply as that when we were needed he would call upon us. He said to Lieuten-ıt Davis, "If any of the men refuse to go, or if they lie down on the road on ıeir way to the cars, bayonet them." I have seen many poor soldiers bayo-eted there by the guards when they were crawling on their hands and knees the cars. I heard one of the surgeons ask Captain Wirz one day when he as going to remove these Yankees. Said he, "Damn those Yankees; they ill all be dead in a few days, anyhow." That was, I think, some time in ovember or December, 1864.

MEN BITTEN BY THE DOGS.

I knew a young man being brought to the stockade after being caught by the ounds. I went out to see him and asked him what was the matter. He told ıe he was caught by blood-hounds and torn very badly. Part of his cheek as torn off, and his arms and hands and legs gnawed up so that the man only ved some twenty-four hours after he came into the stockade. That was in ctober, 1864, I think. I do not know the date exactly, when I left Ander-onville. I got to Savannah, Georgia, in December, 1864. I do not know the ame of the man who was bittten by the dogs and who died in the stackade.

VACCINATION.

I saw men there who had been vaccinated. It affected their arms. The ores began just to rot around, and to eat in until it got to the bone. They enerally lost the arms. I saw men vaccinated on the top of the foot. The ores circled around the foot and got into the leg, when they died. I saw two ases of deaths caused by that. A great number of the men who had been accinated had their arms amputated.

Cross-examined by COUNSEL:

My home is in Randolph county, in the State of Indiana. I believe in re-gion. I believe there is such a thing as punishment after death. As near as I

can recollect I was taken prisoner on the 10th of June, 1864, and was removed immediately to Andersonville, Georgia. I do not know exactly the date I arrived at Andersonville. I was taken prisoner on the 5th of June, near Guntown, Mississippi, and was removed immediately to Andersonville. I do not know how long after my capture I was removed to Andersonville; it was as fast as they could get cars to move us. I do not think it was longer than a week. I did belong to several raiding parties that were sent out. I did not belong to any at the time of my capture. I was taken in battle, in the first line that was drawn up in the morning. Underwood was captured with me; a young man belonging to my regiment. There were others who were taken at the same fight. There were from six to nine hundred prisoners along with us. They were not all captured at the same time, but at the same battle near Guntown, Mississippi. Some of them were taken fifty or sixty miles back in Tennessee, as they were retreating back to Memphis, by their statement. I was temporarily sent out by Captain Brannon and Colonel Brown, and by the officers flanking on each side reconnoitering. We have often gone out on raids in regiments. I was not under Kilpatrick or Stoneman.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

Before we got to Andersonville I had been searched over some two or three times. At every station we got to they would have something from us if they could get it. When we arrived at Andersonville we were searched again. They took a pocket-book from me and the coat which I wore at that time. My boots were taken on the field when I was captured. I do not recollect that I had a blanket. I will not be positive, but I don't think I did have. They did not take anything else from me that I know of. It was a cavalry coat that was taken from me. It wasn't a regular uniform furnished by the government, but it was government goods which I bought myself from the store. I saw an officer riding on a white horse the day I arrived at Andersonville. I believe it was the same day. We got there, I think, on the 10 o'clock train, and I think it was about the middle of the day. I saw that man afterwards. I could not at that time tell whether it was Captain Wirz or not, because I never had heard his name. I will not be positive whether it was Captain Wirz at that time or not. I knew him about two weeks after I went to the prison. I saw him when I first went there, at the prison gate. The next place I saw him was inside the stockade, at the time Lieutenant Davis called him to one side and took him the other road. I cannot say whether it was or not the same man whom I first saw on the gray horse. I would not wish to say.

Q. You say you went with a man named Underwood to a sutler?

A. I do not know what he was; he had some sort of a store, and I supposed him to be a sutler. It was inside the stockade. Flour and all kinds of vegetable stuff that could be got at that time were in there for sale. There was a man appointed there, but who he was I do not know. I never learned his name. It was a board shanty erected there on purpose for that business. I stood at the front of the window, on the outside. The window was a mere hole. Underwood stood with me when he asked for this shirt or something to wrap his wound with. Then we moved inside, when the man told him he could have it. It was about ten by eight feet, perhaps larger. I did not say Underwood asked for medicine, only something to wrap his wound with. He asked the man who kept the sutler's store. I do not know who he was. I do not know to what he belonged. He wore white pants. The stuff Underwood got looked to be an old piece of shirt. After Underwood saw what he was going to get, I told him he had better take it, because he could not get anything else, and that would probably do him some good. After I had spoken this to Underwood Wirz told him that he could not have it unless he paid him for it. That was the reason he asked him

or the money. That was about the last of June, I think. The sutler's stand was near the north gate. There was one down near the gate, at the north gate. It was probably about a week after I first went to the stockade that I heard Lieutenant Davis call Captain Wirz by name. I heard the men call him Lieutenant Davis, and I have seen him a hundred times. He was a small man; a very neat man; a beautiful fellow with a sandy complexion and a nice appearance. He was a very genteel looking man, and very much of a gentleman. I do not know whether Captain Wirz kept that money himself or gave it to his wife and children. I saw him take it, and the last I saw of it he had it. If I had not been sure that that was the man whom Lieutenant Davis called Captain Wirz I would not have told it. I do not know whether it was the man I saw on the gray horse. I did not notice that man much. About four days or a week after I went to the prison, I first heard Lieutenant Davis mention Captain Wirz's name. Some of the Belle Island prisoners were there, and said one of them, on seeing the two men ride in at the gate, "There comes Davis and Captain Wirz." I lifted my eyes and looked at them, and I heard Lieutenant Davis say to Captain Wirz, "Let us go this way, captain;" and they went down around what they called the dead-line.

Q. And from that time you knew Captain Wirz?

A. I knew the man when I saw him. I took a good look at him, and I turned round and asked the men whether that man had charge of the Andersonville prison, and they said he had. He rode on the inside of the dead-line, and I was on the outside.

By the COURT:

I would say that the prisoner at the bar, to the best of my knowledge, is the same person that I saw with Lieutenant Davis when the two entered the stockade. The prisoner was riding a sorrel horse, I think. I am not sure it was a sorrel.

THE DOGS.

By COUNSEL:

I escaped from the stockade some time in August. I dug out right where the water comes into the stockade. It was right by the side of the water where I got out. About eighteen prisoners got out with me. They were not all recaptured. I was recaptured. I was about eighteen miles from the prison, I think, when I was recaptured. I was captured by blood-hounds. I do not know to whom they belonged. I do not know who it was with them. He was called Johnny. I do not know the man who kept the dogs at the stockade. The dogs had no chance to bite me. I took to the tree. I had a good deal of fun catching niggers. I said I was acquainted with blood-hounds, as I used to use them myself. For that reason I went up a tree. I knew what they would do. When I came down the tree they did not bite me, for the catch-dog was tied. If he took hold they would all take hold. The men tied the catch-dog, and that was all I wanted. I caught negroes in Hardie county, Virginia. I used to have real good sport there at it.

A PRISONER SHOT BY WIRZ.

Q. In what part of the stockade was your tent?

A. There was no such name there as tent. There was what we called streets there, and my place was on the north part.

Q. Where was William Stewart's place?

A. Right along with me in the same detachment.

Q. Where did you get that dead body that you brought out?

A. I got it in my detachment on the north side of the brook.

Q. Through what gate did you carry that dead body out?

A. Through the south gate; we were not allowed to take men out by the north gate.

Q. How came you to carry that man out?

A. Lieutenant Davis had ordered the sergeants that whenever a man died in a detachment, the sergeant of the detachment should detail men to take the body out. I was there, and I thought if I could get away by going out, I would go out, of course.

Q. Did you get a pass?

A. We went up to the gate with the dead man, and, of course, they passed us out.

Q. What time of the day was that?

A. About dinner time; about the middle of the day.

Q. How far did you carry the body?

A. From there to the dead-house, which was about one hundred yards from the prison. It may have been a little farther, and, perhaps, not so far.

Q. Was anybody along with you at the time you went out with the dead body?

A. Yes; a young man whose name was Stewart.

Q. Anybody else beside him?

A. Not that I know of. There was no one around there in a United States uniform.

Q. Was there anybody at the dead-house when you went there?

A. I think there were a couple of negroes, who were engaged in hauling away the dead.

Q. Did you deliver the dead body there?

A. We delivered it at the dead-house, not exactly putting it into the dead-house, because the line of dead bodies extended out from the dead-house.

Q. Where were you when you met Captain Wirz?

A. About half the distance between the stockade and the dead-house.

Q. Were there any of our soldiers near you?

A. If there were they were inside the stockade. I saw some men around there, but they had not on our uniform.

Q. How many did you see?

A. I did not count them; there may have been from five to twenty. I did see some men about, but I did not take pains to count them.

Q. Describe the circumstances once more.

A. Captain Wirz rode up and asked us by what authority we were out there. I was going to speak, when Stewart spoke up and said that we were out by proper authority. Captain Wirz immediately drew a revolver and shot Stewart. After he was shot the guard——

Mr. SCHADE. Never mind that; you have told us that before.

Q. Was that all that Steward or you said before Captain Wirz shot Steward?

A. I was talking with the guard at the time he rode up.

Q. Was the guard with you?

A. The guard was with us.

Q. You stated yesterday that you went alone with the dead body to the dead house?

A. I did not so state. The guard was with us. (To the Court.) By the guard I mean a sentinel.

Q. And when Captain Wirz came, Steward told him you were there by proper authority?

A. Yes.

Q. Did anything else pass between you?

A. Nothing else that I recollect.

Q. Was anything else said or done?

A. I think Captain Wirz made some remark like this: "Damn you, you

alk that way to me, do you?" I think that was what was said, but I am not ositive.

Q. How close were you to Captain Wirz?

A. I was standing right close. There was one of us on one side of the uard and one on the other. At the time he rode up, the guard stepped off nd made us go in front. There were other men around, but we were the only wo United States soldiers present.

Q. Do you mean to say Captain Wirz shot Steward while he was protected y the guard?

A. Yes, sir; he was under guard at the time.

Q. And Captain Wirz shot Steward simply because he said "that you were ut by proper authority?"

A. Whether he shot him because he said that to him, or because he was a Yankee, I do not know. I leave that to himself; but that was all that Steward aid to him.

Q. There was nothing else done or said?

A. Not that I know of.

Q. How many guards were present?

A. When we went out there were two guards with us; on our return there vas but one. I do not know where the other guard was. I was talking to the uard. I acknowledge that I was trying to bribe that fellow—trying to get way.

Q. Did Captain Wirz know anything about your intention to get away?

A. Not that I know of. If he heard it, he must have got it from some one who told him, but I never told anybody.

Q. To what regiment did the guard belong?

A. I do not know. I never asked Johnnies to what regiment they belonged. didn't talk to them only when I wanted to get away. Then I was a little olite to them.

Q. How far is the dead-house from the stockade?

A. About a hundred yards.

Q. Did you ever carry out bodies there before?

A. That was the first I ever took out, I believe.

Q. Was it the last?

A. I think it was.

Q. Then you do not know whether it was customary for guards to accompany nen when they were carrying out bodies to the dead-house?

A. It was customary. If there were two or three men going out, there was guard sent to each man. The guard would bring them back to the sergeant f the guard, and they would be put back into the stockade.

Q. What was done or said after the shooting of Steward?

A. Captain Wirz told the guard to see what he had. The guard examined im and found twenty or thirty dollars with him. I think it was thirty dollars. Captain Wirz took it from the guard, and ordered the guard to take me back to rison.

Q. How many persons were present at that time?

A. I did not count them. I know that there were two came up after the nan was killed. I think that was all who came near.

Q. What time of the day was it when Steward was killed?

A. About the middle of the day, I think.

Q. And there was no other person present but you and Captain Wirz?

A. There was me and the guard, Captain Wirz and the man he killed. I hould state that two or three other men came up after Steward was killed.

Q. Could not the sentinels on the top of the stockade see you?

A. They could have seen me from the gate.

Q. How far from the bake-house did this occur?

A. There was a house they called the cook-house which stood about two hundred yards from the dead-house, or it might be farther.

Q. Was it between the cook-house and the dead-house that this occurred?

A. No. It was between the stockade and the dead-house.

Q. Was it nearer to the stockade than it was to the bake-house?

A. I would say it was.

Q. What day did that happen?

A. It was just as much as I could do to keep the month, let alone the day. I do not know the day, and would not wish to say, because I could not be positive.

Q. What time did you finally leave the prison?

A. I do not know what month I left Andersonville, but I got away from Savannah in November or December.

Q. From where did you escape?

A. From Savannah, Georgia.

Q. Have you not got an idea as to what month it was you made your escape?

A. I think it was in November or December. I recollect lying for two weeks at the house of a lady in Savannah, whose name is Maggie Dowd. She is from Brooklyn, New York. She concealed me until General Sherman arrived at that place.

Q. How long was that after you left Andersonville?

A. I do not know exactly how long it was.

Q. Can you not state how many weeks it was after you left Andersonville that you got to Savannah?

A. I would say it was about two weeks. It probably may not have been so long. We were stopped on the road at different stations. I do not know exactly how long it took us to go there.

Q. How long were you at Andersonville prison altogether?

A. From June, 1864, till October or November, 1864, about five months.

Q. How long before you left Andersonville did the shooting of Steward take place?

A. It was some time before I left; it may have been two months, or it may not have been so long.

Q. When did the shooting of Steward take place?

A. That was in September; I would not be certain what part of the month. I know that it was after I had been in the stocks, and I was in the stocks the last of August I was in the stocks for four days. It may have been the middle of September, or it may have been later. Sometimes a man could not even keep the track of the months there, and therefore I will not be positive on oath about the date. I want to be sure on my oath when I speak.

Q. How long were you in prison after the shooting affair?

A. I may have been there two months. I went away among the last of the prisoners who went away from there.

Q. After your friend was shot and Captain Wirz ordered you to be put in prison, how long did you remain in prison?

A. About two months; probably not so long.

Q. I do not mean in stockade; but I mean in prison, as a punishment?

A. I was only put in the stockade.

Q. Then Captain Wirz did nothing else to you but order you back into the stockade?

A. That is all.

Q. Did you see Lieutenant Davis at the time the shooting took place?

A. Not that I know of.

Q. Did you see him after you got back again?

A. Yes, sir; I saw him afterwards.

Q. After the shooting took place?

A. Yes, I saw him at Savannah, Georgia, and I also saw him take charge of e prisoners at the gate.

Q. Did you see him at Andersonville prison after the shooting?

A. Yes, I saw him at the gate.

(See testimony of witness in regard to "private property taken from prison-s," in connection with the identification of Captain Wirz as the person who ot Steward.)

THE SUFFERINGS OF THE PRISONERS.

The witness, by permission of the court, made the following additional state-ent:

I wish to state a few words with regard to the punishment of the prisoners. ie rations which the men received in the day were a small quantity of corn-ead, sometimes meal, sometimes rice, sometimes what they called boiled mush—lf boiled. In addition to that, we got some rice soup sometimes, beef heads cattle that were spoiled, with maggots on them. We also got beef that was oked up and made soup of. The soldiers would take it in their caps or hats. e were served with salt twice a week; that was put in the men's hands by e sergeants of each squad. They took and ate it just the same as stock are lted. We got wood about the size of a yard-stick, and as thick as a man's ger. Sometimes we got none. I recollect that on the 3d of July, 1864, ere came an order into the stockade to prepare ourselves the next day for a g dinner we were to get. We all felt well, but on the 4th of July we got thing. I am sure and certain, on my oath, that I have seen at times thousands d thousands of hands stretched forth to one man in the sentry-box, begging his dinner. I have seen men shot under the dead-line. I have also seen en shot in the brook. At the time Stoneman made his raid there was a shot ed over the prison. When new prisoners came into the stockade, we were t permitted to warn them of their danger in regard to the dead-line. They uld immediately run to the brook for fresh water, would probably get over e dead-line, and be fired upon by the sentries I have seen as high as six or ven men killed and wounded at that place. Besides that, I have heard shriek-g and holloing day and night, and have seen men falling and dying in every rection. At the prison gate there is a graveyard, close at hand, where I can fely say that twelve thousand of our brave boys are buried in the Georgia nd, and from nothing else but sheer starvation. They died from starvation d vaccination. I heard a young man call his father up to him, and say to m, "Father, when you get home, tell them that I die from want."

The COURT. That will do.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

SEPTEMBER 23, 1865.

Captain J. H. WRIGHT, recalled for the prosecution:

I was a lieutenant in the 55th Georgia regiment. I was captured at Cumber-nd Gap, subsequently made my escape, and was sent to Andersonville, with ie remnant of my regiment, as quartermaster for the troops there. I was in ie rebel service. I arrived at Andersonville in February, 1864, and remained ere until the following February. I know the prisoner, Captain Wirz. He ok command of the prison the latter part of March, or the first of April. He ntinued in command till I left. I know something about his giving or approv-g furloughs. In absence of the post commander, he assumed command of ie post, and furloughs that were sent up by the regimental officers, approved y them, were countersigned by Captain Wirz. I know of Captain Wirz giv-g furloughs to his superior officers in rank. I don't remember certainly having

seen furloughs given to superior officers, but I know superior officers have obtained furloughs when he was in command of the post. I have never seen him sign furloughs—such furloughs, but presume he did so, as I have seen him sign furloughs approved by them for their men.—(See testimony in regard to shooting of prisoners by the guards.)

THE POSSIBILITY OF MAKING SHELTER FOR THE PRISONERS.

The extension of the stockade was made under the direction of Colonel Persons. I superintended the work voluntarily. The prisoners did the work themselves. I think I had about one hundred white men and thirty colored troops under my charge. Those hundred men were prisoners of war—Union soldiers. The stockade was extended about eleven acres, if I remember correctly; about one-third or a little more. If I remember correctly, the original stockade was about seventeen acres, and it was extended over a third. It took a little over three weeks, I think, to complete the job. We used nothing but axes, spades, and shovels; plenty of them were on hand at the time. I never had any want of them. Captain W. S. Winder marked out the prison and laid it out. I made requisitions for money on the authorities at Richmond when I was quartermaster. I made a requisition of $75,000 to pay off the troops that were there in April, 1864. In our service, then, the quartermasters did the duties of paymasters. That money came. Captain R. B. Winder told me the money was sent through him to me, and that he had used the money. I never received that money. I do not know how he used it; he merely told me he had used the money, and had made a requisition himself, for money, and that when he received it he would replace the $75,000, which he did—a portion of it in the latter part of September. Captain R. B. Winder told me that he had no orders to report to any quartermaster at all; that he reported directly to Richmond, and received his instructions from Richmond. He told me that all the quartermasters in that vicinity had been ordered by the quartermaster general to furnish him what supplies he needed—to fill his requisitions. While I was there, there never was any difficulty about getting negroes. I remember the time the engineer came there to build the fortifications. I know he had a great many negroes; I do not know the number. This was in July or August; I think the latter part of July. I succeeded Captain R. B. Winder—that is, I was left there temporarily until a man could be sent there. He left there in October. He had all the tools and matters of that kind, in his possession, sent to Millen, and all the transportation. He left me a few old horses and ambulances and wagons. I had to go to work and get up what transportation I could afterwards, myself. I got a few old broken-down mules from the convalescent camp; they generally commenced dying in a few days. I had no difficulty in getting axes when I made requisition for them. Captain Wirz made requisition on me for axes, and I had no difficulty in getting them. I think I left seventy-five axes there.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

I remember the time an effort was made by the ladies of Americus to send in provisions to the prisoners. I was at the depot when the provisions arrived, and Captain Reed, the provost marshal, told Dr. Head, who was with the ladies, that the provisions could not go in. He spoke with an oath, and told them "he would be damned if they should go in," and told them that "he would confiscate them," or something of that kind. Dr. Head went to see General Winder, but what passed between them on the subject I do not know. R. B. Winder was present at the depot, and several officers; half a dozen of them were standing on the platform. I remember Winder's entering into conversation with the

officers, when this man Stevens cursed Dr. Head, but I do not remember what he said. Most of the officers entered into conversation about it, but I cannot say what passed.

THE SUPPLY OF WOOD.

Want of transportation was the reason why there was not sufficient fuel furnished to the prisoners there. They could have been supplied by allowing the men to go out under guard; they were willing to go and "tote" it for themselves if they could have got out. I saw no reason why they could not do so.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

Cross-examined by COUNSEL:

I could not tell how often Captain Wirz was commandant of the prison; whenever the regular commandants of the post were absent for any time. That did not occur for any great length at a time; they never could be absent for more than a day or two at a time. I know that thirty days' furloughs were given to confederate soldiers. I know they have been given by Captain Wirz, or approved by him at least. Let me correct that; I will not say thirty days' furloughs, because he had no authority to give thirty-day furloughs—seven days' furloughs. I do not think the commander of the post had any right to give furloughs for longer than seven days.

By the JUDGE ADVOCATE:

That is my recollection.

By COUNSEL:

After General Winder came there he had authority to give thirty days' furloughs, and I suppose when Captain Wirz was acting in his place he could give such furloughs, but when Colonel Persons was there he had authority to give only seven days' furloughs, and when Captain Wirz was acting in his place he could only give seven days' furloughs. When the soldiers who did guard duty wanted to get furloughs, they applied to the commander of the post; it went up, generally, from the officer commanding the company, approved by the officer commanding the regiment, and then by the commander of the post. He could apply to Captain Wirz for a furlough if he commanded the post, but if Captain Wirz did not command the post, he had no right to grant furloughs to any such soldiers applying for furloughs, unless he was commander of the post, if I understood it rightly.—(See testimony in regard to shooting of prisoners by the guards.)

THE SUPPLY OF WOOD.

Q. Whose business was it to bring the fuel together for the prisoners?

A. I cannot tell you how it was arranged when Captain Winder was there. I know that after I took charge they required me to furnish Captain Wirz with such wagons as he wanted. He would make requisitions on me for so many wagons for rations, so many for fuel, and such things.

Q. Could you fill such requisitions?

A. Yes; he knew what transportation I had, and he regulated his requisitions proportionately. I gave him all I had. I used ambulance horses to do all the other hauling, and worked the transportation to its utmost extent to supply the prisoners. I did not have sufficient transportation; I never had; I could not get it.

Q. In the winter of 1865, did he not come to your office, stating that he must have more transportation; that it was very cold, and that the prisoners were freezing?

(Objected to by the judge advocate, and question withdrawn.)

SEPTEMBER 23, 1865.

LEWIS DYER, (colored,) for the prosecution:

I have been in the military service of the United States about fifteen months, in the 12th United States colored troops; I am still in the service; I am stationed at the Sanitary Home; I am not under medical treatment.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

I was a prisoner at Andersonville about nine months; from about the 29th of July, 1864, till February 2d, 1865; I estimate that to be about nine months, may be eight months; I have given the dates of my arrival and of my leaving there correctly; I was there during the summer and winter. I was at work a part of the time I was there inside the fort digging a well; I stayed inside the fort, I guess, very near a month; I went from there back to the stockade and was working outside, and then I went to the hospital, and from there I went to Dr. White's house as a servant; I was never a servant in Captain Wirz's house; I was Dr. White's servant about two months, I guess; I wasn't employed any other way; I never worked in the graveyard; I went to the graveyard; there were colored men employed there; I was never at the graveyard when any of the confederate officers would come out there; they served out mule meat to us part of the time in the winter; I know it was mule meat from the grain and from the ribs; I never received anything for the extra labor I performed as a servant there; I was never whipped there.

NEGRO SOLDIERS WHIPPED BY WIRZ'S ORDERS.

I know a man that was whipped, or two men; Isaac Hawkins was stripped and got 250 lashes by order of Captain Wirz; he ordered him to have 500; he was a colored man; I cannot tell exactly when that occurred; another prisoner by the name of Abe Harris was whipped at Captain Wirz's house; I do not know what he was whipped for; I cannot say what Hawkins was whipped for; it was said he was whipped for forging a pass; I do not know anything about it; I do not know that I ever saw Captain Wirz do anything out of the way to any prisoner at all; I call whipping out of the way; I never saw but one man whipped, and that was Hawkins; I did not see the two whipped who were whipped at his house, but they told us at our quarters that they were whipped.

PROPOSITIONS MADE TO PRISONERS TO JOIN THE REBEL ARMY.

Q. Did Captain Wirz ever make any propositions to the colored soldiers in regard to their leaving the United States service? If so state what they were.

A. Nothing that I know of, more than he said he wanted the colored soldiers there to join their army; that they would starve all the white prisoners and make them join us; he said they would parole us and let us take the oath, and that we could choose our masters down there; he did not make propositions of this kind with regard to our white soldiers; I never heard him say anything in regard to white soldiers, but his men who came down to our quarters told us he was going to starve all the damned Yankees in the stockade or make them join the southern army; some of the guards around the stockade came to our quarters and told us so; they gave that as an order of Captain Wirz.

THE SUPPLIES FROM THE NORTH.

There was a lot of clothing came there that came from Richmond sanitary commission clothing; there were a few articles issued to the paroled men at the cook-house, and some to the clerks at Captain Wirz's office, and that was all there was issued; I do not know what became of the balance; they did not give us any more; I saw some worn by confederate soldiers; I never saw any given to the men inside the stockade.

LETTERS FOR PRISONERS DESTROYED.

I have seen three thousand letters that came there; Captain Wirz brought hem up to Dr. White's office for Captain Reed's wife to read over; she was to ake out everything in the letters, and then the letters were burned; this was vhile I was a servant at Dr. White's; I have seen money, postage stamps, vriting paper, needles and thread, and pictures taken from letters; I assisted in urning the letters; they ordered me to burn the letters and I did so; Mrs. Reed conducted herself as near right at the time as she could, I believe; she nade fun of the letters; she read the Yankee letters and said she was going to urn them all up; Dr. White was present sometimes.

MEN BITTEN BY THE DOGS.

I saw the hounds at Andersonville nearly every day; I heard them speaking f a man being torn by the hounds; I did not see the man; I never observed Captain Wirz or the surgeons talking about catching prisoners with the hounds.

VACCINATION.

I heard the surgeons make remarks in regard to what they were doing with he Yankees. I heard them talk about it at nights; one would say, "I poi- oned so many Yankees to-day;" one would say he poisoned five, and another en. They would be laughing and drinking and talking that way over it. I id not recognize Dr. White in any of these conversations. The surgeons vould be at his house sometimes at night, and would be going on in that way. That was while I was a servant at Dr. White's. I never heard Captain Wirz oin in any of these conversations. I never received any compensation from Dr. White; he never made any proposition to pay me. Captain Wirz ordered me o him as a servant; I was there about two months. I do not know that I ever eard Captain Wirz give any particular order to the surgeons with regard to accination, more than that they were to vaccinate the men in the stockade on ccount of small-pox. I never heard Captain Wirz talk of it with the surgeons. have not heard anything more than some of the doctors say they were going o vaccinate all the Yankees there, and kill them off, or take their arms off. They vere the same doctors I would hear laughing about poisoning the prisoners. I ever heard Captain Wirz say anything about the vaccination. I have noticed the esult of the vaccination; I have seen men going around who had been vaccin- ted, and two or three days after all their arms would be eaten out, and their rms would have to be taken off.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

Cross-examined by COUNSEL:

We would come out of the stockade during the day, and then go back at ight. After digging the well in the fort, I returned to the stockade; I did not o anything in the stockade till the morning; I came out again; I never dug ny wells inside the stockade; I was treated just the same as any of the rest— ust the same as all the prisoners were treated. I was treated tolerably well vhile I was at Dr. White's house, but I got the same rations that I got at the tockade. I never received any ill-treatment from Captain Wirz.

NEGRO SOLDIERS WHIPPED BY WIRZ'S ORDERS.

I saw only one man whipped, and that was Hawkins. I do not know the eason why he was whipped. Harris, the man who was whipped, was a colored oldier; I did not see him whipped; I did not see any other colored men vhipped; I did not see any white men whipped, but I have known it to be done.

THE SUPPLIES FROM THE NORTH.

Q. How do you know that the clothing you saw some confederates wearing was that sent from Richmond?

A. That was what was marked on the boxes. I saw the boxes; I saw the clothing when it came there; I knew it was the same clothing because it was new clothing, and I knew they had no other way to get it down there.

LETTERS FOR PRISONERS DESTROYED.

I saw a large number of letters opened; it was done at Dr. White's. I do not know that it was customary to open all letters sent to prisoners; I never saw any opened there before. I cannot tell to whom the letters were directed; they were addressed to the prisoners. I cannot remember when I saw the letters opened; it was along in the latter part of the summer. I think there were about 25,000 or 30,000 prisoners there when those letters arrived.

By the COURT:

I saw about three hundred or four hundred dollars in money taken from the letters at Dr. White's house. The money was greenbacks and silver. Mrs. Reed kept it there in a box until the prison was broken up. There was no memorandum made of what letters the things came out of; she just opened them, took the things out, and threw the letters aside.

AGREEMENT BETWEEN THE PROSECUTION AND DEFENCE AS TO RECORDS IN EVIDENCE.

The JUDGE ADVOCATE. There are some letters in the letter-book of the prisoner to which I had intended to call attention; but as an agreement in regard to the records has just been entered into between the counsel for the defence and Major Hosmer and myself, we will not at this time call any special attention to the records or any part of them. I will read that agreement, that it may be entered on the records:

MILITARY COMMISSION,
September 23, 1865.

It is agreed by counsel for the prisoner and the judge advocates for the government that the following records be admitted in evidence, to wit:

Hospital Register and Indexes;
Death Register;
Journal kept by Henry Wirz;
Letter Book of Henry Wirz; and such other records of the Andersonville prison as may be found hereafter, with the condition, however, viz., that the records so introduced in evidence be open to such objection as may be legally interposed by either party, and with the understanding that neither party shall be bound by said records except so far as they may legally and properly so bind him. The purpose in so introducing said records being only to assist the court in arriving at the truth.

N. P. CHIPMAN,
Colonel, &c., Judge Advocate.
O. L. BAKER,
Counsel for Henry Wirz.

Mr. BAKER requested that the judge advocate specify any particular letters to which he proposed to refer in making out the case for the prosecution, so that the defence might be prepared to meet any inferences drawn from them against the prisoner.

The JUDGE ADVOCATE remarked that it was as improper at this time to argue the evidence presented by the record, as to discuss the testimony given by the witnesses. On the argument of the case the judge advocate would refer to such letters as he might deem important, and the counsel for the defence could do the same.

Mr. BAKER. As we have to make our argument first, will the judge advocate designate, at some time before the argument begins, what letters he proposes to refer to?

The JUDGE ADVOCATE. Yes, sir, I will do so.

The PRESIDENT. The judge advocate is bound to do that for the information of the court.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

The JUDGE ADVOCATE. There is one short letter contained in this letter-book to which I will now direct the attention of the court, as it has reference to the power of Captain Wirz with regard to the granting of furloughs:

HEADQUARTERS COMMANDANT OF PRISON,
Camp Sumter, June 17, 1864.

CAPTAIN: I have the honor to report Lieutenant Wolfe, company ——, 57th Georgia volunteers, as being absent without leave.

Lieutenant Wolfe was assigned for duty to me by the officer commanding post. On Saturday last he applied for a furlough for two days. On yesterday I received a letter from him stating that he could not return, and asking for an extension of his furlough until Tuesday next.

I am, captain, most respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison, Camp Sumter, Georgia.

Captain W. S. WINDER,
Assistant Adjutant General.

(See testimony in regard to shooting of prisoners by the guards.)

PROPOSITION OF THE JUDGE ADVOCATE IN REGARD TO CLOSING THE PROSECUTION.

The JUDGE ADVOCATE. The government has four or five witnesses yet remaining, one or two of whom will be here, it is hoped, on Monday; but as they will probably testify to no new facts, we prefer to close, informally, to-day, with the understanding that such witnesses as may hereafter come shall be allowed to testify, and that any new matter, if requiring to be met by proof, may be so met by the defence, any necessary time being given for that purpose. There will be also certain record evidence connecting the Richmond government with the Andersonville prison, which we shall introduce before the trial finally closes.

The court is aware, also, that we propose to introduce a set of photographs, embracing nine or ten views of Andersonville prison, taken on the spot.

With these reservations, we propose now to close informally.

Mr. BAKER remarked that it appeared to him that the government was proposing to hold in reserve too much important matter. He had no objection to the examination, hereafter, of those four or five witnesses who would testify on points which had already been gone over—who would give merely cumulative evidence; but in reference to the records which may be introduced with regard to the Richmond authorities, he could scarcely consent that the prosecution should close until all such evidence had been introduced.

The JUDGE ADVOCATE. The gentleman makes the same mistake which he has made throughout this trial, in supposing that the investigation outside of the conduct of Captain Wirz is entirely in his keeping. The fact is that he has no right whatever to appear for any person other than Captain Wirz, except so far as it may be necessary to exculpate the prisoner from the charge of conspiracy with others. The counsel has no right to follow the government in its pursuit of any other persons than Captain Wirz. I say this that the court may not take into consideration the gentleman's objection to the introduction hereafter of testimony bearing upon Jefferson Davis, Robert E. Lee, or any others connected

with the late rebel government. This is an investigation which is legitimate under charge first; while the prisoner, I think, has quite enough to do to defend himself under charge second. So far as regards his personal relations and connection with higher authorities, he is just as competent to defend himself at one time as another. He has only to explain his conduct for the past year and a half, and if he should succeed in doing so he will have explained away all the charges connecting him with the conspiracy. I hope, therefore, that the court will consider favorably the proposition now made on the part of the government to close its case with the conditions stated. I do not see how the prisoner can be thereby prejudiced.

Mr. BAKER. Anything that the prosecution may choose to introduce which does not affect Captain Wirz, will be, of course, immaterial to me. But the allegation in the charge is that the prisoner has conspired with certain persons named, and the court insists that he has conspired with certain persons not named. Who those persons are we have no means of knowing. But if the judge advocate will put it upon the record that what he wishes to introduce has nothing to do with Captain Wirz, then I have nothing to do with what he intends to introduce.

A MEMBER of the COURT. That the judge advocate cannot do.

Mr. BAKER. Then, of course, I have the right to insist that whatever has anything to do with Captain Wirz I have a right to defend him against. I think that I have answered the suggestion of the judge advocate clearly and fairly. In regard to any evidence affecting Jefferson Davis, or anybody else, if it is not connected with my client, I will not take up a moment's time in meeting it. But if it may affect my client in any way, then I must insist upon every legal right in order to meet it effectually. This is what I am bound to do. The eyes of too many people are upon me for me to admit anything against my client. Apart from that I will do with the greatest pleasure anything to accommodate the judge advocate.

The PRESIDENT. Why does the judge advocate wish permission to introduce testimony hereafter?

The JUDGE ADVOCATE. Merely to save the time which would be consumed in waiting for it.

The PRESIDENT. Is there any necessity for it?

The JUDGE ADVOCATE. In my view there is a very great necessity. I regard it as a national necessity to show up the infamy of those connected with the late rebel government.

The PRESIDENT. Have you not the testimony at hand? Have you sent for the witnesses?

The JUDGE ADVOCATE. I have sent for many witnesses, but when they come here they prove in many instances to be not the persons I expected, or they have no knowledge of the facts which I am seeking to establish. This makes it necessary for the government to send for other witnesses to bring out important facts under the first charge. This evidence may not be material so far as regards the prisoner, but it is important as touching greater and weightier interests.

The PRESIDENT. Is the testimony of a general character, or has it any particular reference?

The JUDGE ADVOCATE. It is testimony of a general character not bearing directly upon the prisoner, but bearing upon others named and not named.

The PRESIDENT. How long will it probably take you to get that testimony here?

The JUDGE ADVOCATE. I cannot speak with any definiteness on that point. I have already said on the part of the government that if the prisoner should be in any way prejudiced by this additional evidence, so as to be compelled to

ake an additional defence, the representatives of the government will not sist an application for more time.

Mr. BAKER. Will you let us be the judge whether we do or do not require dditional time?

The JUDGE ADVOCATE. No, sir. I leave all such questions, as it is proper ney should be left, with the court.

Mr. BAKER. If this matter can be arranged in any way so that I can consent it without subjecting myself to the censure of having compromised the rights f my client, I will consent

The JUDGE ADVOCATE. I have given you the pledge of the government hat if you should be prejudiced by this additional testimony, and require more me for your defence, the government will not resist your application for a continuance. If you ask more than that, you ask more than I have a right to ledge.

The PRESIDENT. The question of granting a continuance must always be ft to the discretion of the court.

The JUDGE ADVOCATE. So I understand I simply say that neither I nor y associate will resist such an application.

Mr. BAKER. Very well. I will not resist the proposition of the judge advote. I trust to the justice of the court to grant us every proper facility in aking out our defence.

The JUDGE ADVOCATE. With the understanding which I have indicated the overnment now closes.

Mr. BAKER. I propose in a few moments to submit a motion; but before doing so I will call a single witness, Mr. Crandall, who has already been examined n the part of the government, and who is very desirous to return to his home mmediately.

HE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILE DURING THE SUMMER OF 1864.

SEPTEMBER 23, 1864.

W. W. CRANDALL, recalled for the defence:

Lieutenant Davis was at Andersonville during most of the month of August—rom among the first days of August; I cannot tell accurately when his command commenced, but, from among the first days of August until about the 7th, 28th, or 29th of that month, he was reported to be in command, and gave rders to us, and we looked upon him as our commander the same as we had reviously looked upon Captain Wirz; we had nothing to do with Captain Virz during that time.

Cross-examined by the JUDGE ADVOCATE:

I never knew of his exercising any authority over us during the time Lieutenant Davis was in command; he might have exercised authority over others; I peak of my own knowledge about no authority being exercised over us; I am ot certain as to the time when Davis took command, but I am quite certain as o the time that Captain Wirz took command again; I can merely state the ime Davis took command from the best of my recollection; I think it was mong the first days of August—perhaps in the first week of August—and he vas relieved about the 27th, 28th, or 29th; he was relieved on one of those ays, because Captain Wirz was there and gave orders, so that I supposed that e was then our commander; I recollect his giving an order to us—of my quad—at the burial ground on one of those days; I presume we might have een Lieutenant Davis twice a week during that time; we saw him at irregular imes; I know nothing of Captain Wirz, except that we had nothing to do with im during that time; I did not see him during that time.

By the COURT:

When I speak of "us" and "we," I refer to myself and the squad of grave-diggers to which I belonged; Davis had been there before that time a short period at a time, but I could not tell whether he remained there—in fact, I knew but little about him, except that I saw him occasionally during those two or three weeks which I have spoken of; I do not remember that I ever saw any order signed by him as lieutenant commanding the prison; all the orders that I ever knew coming from him were verbal orders to us in the squad.

COUNSEL FOR THE DEFENCE ASK AN ADJOURNMENT OF THE COURT FOR A WEEK.

Mr. BAKER. I have now a motion to make, of which the court has already had some intimation—that is, that the court now adjourn for a sufficient length of time to enable the defence to prepare their case. I ask for at least a week from next Tuesday. My reasons for asking this I have hastily written down, and, with the permission of the court, I will read them.

1st. That, coming into the case at the day of its opening, I have had no time to do more than keep along daily with the examination of witnesses put upon the stand by the prosecution. I have had no time to inform myself what witnesses the defence have here, nor what they will testify to generally, nor upon what points any certain witnesses will testify. Upon all these matters I must now inform myself by calling our witnesses together, and learning from them what they know, and upon what facts in the case they can testify. To do this requires time, which I must ask of the court.

2d. There are many points in the prosecution just closed, as there is in every case, and more especially in cases of the magnitude of this, which admit of, and require at our hands, complete refutal and contradiction. This I know can be done, but it necessitates the labor of overlooking the testimony and documents of the prosecution, which, numbering several thousand pages, requires much research and time.

A third reason, and one which I regret to offer, is, that the labors devolving upon me in this case have proven quite too heavy for me, and my own health requires that I should have a few days' rest. I regret to ask any favor of this court, for reasons personal to myself. But when I state to the court that I am unable to go further with the case without rest, I trust the court will do me the honor to believe that the statement comes, not from a wish, but from an impaired condition.

A fourth reason, and the all-important one in our defence, is this—and to give it more weight with this court, by being the more clearly seen, I must state it in comparison with the means and powers of the government: The government has shown a commendable disposition to do in the general what could be made strongly to appear to be necessary for the defendant; but it should bear in mind that it had consumed many months before the trial commenced in preparing the prosecution.

The PRESIDENT. Many months?

Mr BAKER. Yes, I have reason to think so.

The JUDGE ADVOCATE. This is the first information the government has had of it.

Mr. BAKER. Well, if I am wrong in my statement, let it go for what it is worth. The learned gentlemen conducting the prosecution have had the advantage of all the facilities coming from that most efficient department known as the Bureau of Military Justice, and I may add, with honor rather than disrespect, the advantage of the advice and judgment of that truly able and worthy public servant, Judge Holt, in devising the path for them to pursue. They have had money untold, if needed, at their command. They have agents, servants, clerks, and reporters for every convenience, for every want. They have had the whole

r any portion of the detective and military force of the country to search and ook up and bring before them any and every person who could in any way, or y the slightest word, throw any light upon their side of the case. In a word, hen, they have had all that a great, earnest, and a powerful government could vith propriety bestow in accumulating the whole debris of the fallen southern onfederacy upon the head of Captain Wirz.

But of this I do not complain, for I recite it only in comparison. How is it, ow, with the defence? Captain Wirz lies before you with a mind so shattered hat he is unable even to give his counsel reliable information upon the most ital points of his defence. He has not even the means to procure the necessiies of a sick man, much less to defray the expenses incident to a trial like this. He has books and documents, but they have, until to-day, been kept from his ounsel by the government. He has witnesses, like the government, in all porions and in almost every State and village of the country. Some of these have ome at his request, but many more are kept away, even after being subpœnaed, ecause of their want of means to come. Others obey your writs, and say, We have seen the charges, and we can say, from our long stay at Andersonille, that such and such ones are not true; but we have no means to come, unless you send it to us."

The residence of others who are most important are known, but can only be aught by sending messengers to find out and serve them. But this is not all. Some who have already arrived, from the necessities of their families and difficulty to meet their expenses here, have left and gone away, while others have nly been retained by advances of money made by counsel themselves.

Other witnesses again write from a distance under fictitious names, asking if hey will be protected if they come to testify. Others, who are most important et, will not come, unless, at a great expense, we send some one to bring them.

Here then is sickness and misery struggling against opulence and power. Here is abject poverty grappling with untold millions; here is a poor, destitute, listracted, and shut up prisoner, with powerless and inefficient counsel, endeavorng to compete with all the ability and power and means that the most powerful government can bestow to crush him.

Truly, gentlemen, I may say, that we as his counsel, in all our good intentions, are but presumptuous, we in our weakness do but insult the majesty of our government when we attempt so much. For these reasons, I ask that the court give us at least until a week from next Tuesday, before we enter on the defence. And if during the mean time, for the want of means, we cannot get together the distantly separated elements of our defence, I, for one, shall feel it my duty to relinquish it entirely. Lest any misconstruction be put upon my language, and it be said I want confidence in our cause, I must reiterate that I believe that Captain Wirz has a good and complete defence.

The JUDGE ADVOCATE. So far as regards the application made by the counsel for the defence, I leave that entirely to the discretion of the court; but I feel it my duty, in behalf of at least one hundred soldiers of the army of the United States, who have testified here and whose testimony is as yet unimpeached, to resent as an insult to them the last remark of the gentleman, which would seem to imply that they have all testified falsely.

Mr. BAKER. No such inference can justly be drawn from any remark which I have made. We may admit that the horrors of Andersonville are indescribable by tongue or pen, yet still we may be able to show, as we confidently hope to do, that for those horrors Captain Wirz is not in any way responsible. We all know that prison discipline and military control are necessarily harsh as compared with civil life, and they may embrace many things which look almost murderous; but I believe, from what the witnesses on our side tell me, that Captain Wirz can evade whatever has been charged against him.

Several of the witnesses on the part of the prosecution have sworn positively

that they saw the prisoner commit most barbarous acts of cruelty during the month of August, 1864; yet we shall show, by many witnesses who were connected with the Andersonville prison, that Captain Wirz was at that time at home, lying on his bed sick, and expected to die every day. With the greatest respect for the judge advocate, I must remind him that sometimes, as we all know, witnesses swear that they saw a person do a thing at a certain time, when other witnesses show conclusively that the person at that time was not within miles of that place. Thus there were many things done at Andersonville in the name of Captain Wirz, and as prisoners may have supposed were done personally by the "Old Dutch captain," as they called him; yet we expect to show that he was not there at the time, and in fact was so sick as to be unable to stand. If we can show that any of the witnesses on the part of the government have been mistaken in their evidence, and that Captain Wirz is not the monster which they may believe him to be, this court I apprehend will gladly listen to such evidence for the sake of the honor of the country and the honor of humanity.

A MEMBER of the COURT. If the paper which has been read by counsel is to go upon the record, I must say that it seems to me to contain statements which are altogether unwarranted by the facts. The power of the government and the helplessness of the prisoner are contrasted very unjustly. For instance, in reference to the facilities for procuring witnesses, I believe that the defence has received from the government every facility for bringing its witnesses here.

Mr. BAKER. We admit that.

A MEMBER of the COURT. You do not admit it in that paper.

Then again it was stated that witnesses could not come on account of the great expense. Certainly it cannot be expected that the government should pay witnesses in advance for their transportation and attendance.

The JUDGE ADVOCATE. The government pays citizens summoned as witnesses three dollars per day, and mileage.

Mr. BAKER. I cheerfully admit that the government has shown a commendable disposition to afford the defence every facility in procuring the attendance of witnesses. I trust that no improper motive will be attributed to me in making the application which I have submitted. I have tried to avoid insinuating any blame against any person. I respect my government and those connected with it too much to indulge in any disrespectful insinuations. If I have inadvertently made any remark which may appear disrespectful, I trust that the court will have the kindness to believe that nothing of the kind was intended.

The court was cleared for deliberation, and when the doors were reopened, the president (addressing Mr. Baker) announced the decision of the court as follows:

The motion for a continuance based upon your written application is overruled. At the same time, in consideration of the state of your health, and as an act of courtesy to you, the court has decided to adjourn until next Tuesday morning at 10 o'clock.

The court thereupon adjourned until Tuesday, September 26, 1865, at 10 o'clock a. m.

THE SUPPLIES FROM THE NORTH.

SEPTEMBER 26, 1865.

Dr. M. M. MARSH, for the prosecution:

For the last two or three years I have had charge of the United States Sanitary Commission matters in the States of Florida, Georgia and the Carolinas. I was so employed from early in January, 1863, till the close of the rebellion. I was stationed at Beaufort, S. C. While I was there, we received sanitary stores for prisoners in the custody of the rebel government and purchased also of a United States quartermaster. When we had not articles from other sources

e purchased from United States quartermasters for that purpose. I forwarded othing and provisions, sanitary stores, to Andersonville, Ga., for the use of ıe prisoners there. I made a memorandum of the amount of the articles sent ıere, or had it made.

Q. Look at the paper handed you and state if that is the memorandum?

A. That is it. It is a correct list of stores sent to Andersonville, Ga. Perhaps ought to remark that we were sending to five other points at the same time, but ı making out the lists we selected only those things that were put down in our ecord as sent to Andersonville, Georgia.

The paper, of which the following is a copy, was offered in evidence by the dge advocate and is attached to the record.

Stores sent to prisoners at Andersonville, Georgia.

052 wool shirts.	5,431 wool socks.
993 wool drawers.	50 pillow cases.
950 handkerchiefs.	258 bed sacks.
601 cotton shirts.	122 combs.
128 cotton drawers.	100 tin cups.
100 blouses.	2 boxes tin ware.
235 wool pants.	4,092 pounds condensed milk.
520 wool hats.	4,032 pounds condensed coffee.
565 overcoats.	1,000 pounds farina.
385 blankets.	1,000 pounds corn starch.
272 quilts.	4,212 pounds tomatoes.
120 pairs shoes.	24 pounds chocolate.
110 cotton coats.	3 boxes lemon juice.
140 vests.	1 barrel dried apples.
46 cotton pants.	111 barrels crackers.
534 wrappers.	60 boxes cocoa.
69 jackets.	7,200 pounds beef stock.
12 overalls.	Paper, envelopes, &c.
817 pairs slippers.	Pepper, mustard.
147 towels.	One box tea, 70 pounds.

I do not know exactly how much more of the qualities of coffee a pound f condensed coffee contains than a pound of ordinary coffee; in regard to the eef stock, one pound is supposed to be equal to seven pounds of beef. I do ot know about the coffee and milk, but I think one pound is equal to five ounds of the raw article. A portion of these articles were sent in the month of uly; but a small portion of them. We began to send them quite regularly from bout the 10th or the 15th of August up to about the 1st of November, 1864. have no evidence that those articles were ever received at Andersonville; all know respecting it is that I either personally or through some agent—I did ot do it myself but in two or three instances—passed the stores over to some gent deputed by the confederate government to receive them. This agent of ıe confederate government usually, not always, gave a receipt for the articles, ith a promise on my part that I should return that receipt when he obtained receipt from the persons to whom he delivered them; if the things were sent) a prisoner personally, why he returned that prisoner's receipt, or if he delivered ıem to the quartermaster, he handed me the quartermaster's receipt, and when e did that I returned him his receipt. That was done in many cases. I do ot know about his authority; I know that I returned his receipt to him when e produced a receipt from some party to whom he had delivered the articles. hat was not always the case, however; once or twice some of the agents who ere sent refused to give receipts; they said they would transmit the articles ut they would not give receipts. It was a matter we cared very little about. or instance, Colonel Waddy, on one or two occasions, I know of one certainly, efused to give a receipt. He was a rebel agent. I refer now to the men who ere deputed by the confederate authorities to receive the things; sometimes ne man was deputed to receive it and sometimes another. Colonel Waddy

was at one time, and Colonel Ley, of Charleston, who was formerly on General Scott's staff. They came with authority, and others came. Perhaps I ought to state how the matter was brought about. In the beginning of June or July I wrote to the authorities of the Charleston jail, asking if they would receive supplies for the prisoners who were in need. They very readily consented to do so, and apparently in good faith did receive them; they received them at a ferry on Broad river, separating Port Royal island from the main land; two places on the Savannah river, and one or two other places. were the points designated for the flags of truce, and they received the articles there. They would designate the time for the next meeting; say if it was Thursday it would be on the following Monday, and then the supplies would be forwarded in that way. At first it was an individual business on my part, approved by them, and the supplies received by them and receipts were given to me personally. The goods received were first sent to Charleston jail, and not to Andersonville. Subsequently it assumed that magnitude and importance that General Foster thought it better to take it under his own supervision. He had before that, in a private way, allowed us flags of truce to enable us to do it; he then sent Major Anderson, his chief of staff, and other officers of his staff, to see about the matter, and finally an agent of exchange was appointed to meet an agent of exchange appointed by the confederate government. That answers the question whether there was authority or not. After that the matter passed out of my hands, the agent appointed by General Foster doing this business for me. What first attracted my attention to Andersonville was, prisoners would escape and come to us telling us of their destitute condition there. I must have known it, I think, as early as June, 1864. I cannot tell the precise time, but it must have been as early as that. In the official capacity I have named I received mails, letters for prisoners at Andersonville. Letters would be sent to us from friends in different parts of the country in large numbers. Some greenbacks, government notes and sometimes gold would be in them. Postage stamps, too; all that kind of circulating medium, gold, greenbacks, postage stamps, and silver sometimes, though in small quanti ies. I used at first to pass them over to the postmaster at Beaufort, and let him hand them over to the agent conducting the flags of truce appointed by General Foster, but subsequently I handed them over directly to the agent appointed by General Foster, who transmitted them. The number of letters was very large. I ceased to send provisions to Andersonville in November; there came an order from Washington forbidding it.

Cross-examined by COUNSEL:

I think we commenced sending goods of this description to Andersonville about the 10th of August; we had sent elsewhere before that; this list embraces the goods first sent; I made up this list from the entries made at the time on our records; it appears to be a copy; it is copied from my records, and the deliveries of these goods were scattered along at different times. My impression is that the first package was sent to Charleston, to be forwarded from Charleston to Andersonville; all of them were not sent to Charleston; we sent to places on the Savannah river and also to the ferry I have spoken of, besides Charleston; three different places; I think the same agent was perhaps at all three places, but one agent did not receive them all; they were delivered at different times, scattered along; for instance, Colonel Ley, who received goods at one place, may not have received them at another place, and again he may have done so; I cannot say as to that. I sent the stores from Beaufort myself; all of the goods did not go first from Beaufort; some of them were bought of the United States quartermaster at Hilton Head and were never sent to Beaufort; others bought of the United States quartermaster were sent to Beaufort and repacked there; we ordered some goods from New York; I either saw the goods ordered from other places or I had an invoice. A few goods

ere ordered from New York and they came invoiced to me; but the boxes ere not opened; the boxes came to me and passed through my hands; they ere not directed to Andersonville in New York, but to me at Beaufort or at ilton Head. The boxes containing the goods on the list, not the goods, came nder my personal inspection, or it may be under that of some of my clerks; robably my head clerk, but he reported to me and I saw his list daily. They ent to Charleston and to two different places on the Savannah river, from me; hen they first left me all of them did not go to Charleston; some went to harleston, some went to this ferry of which I spoke, and others went to the avannah river. After they went to those three places they went into the ands of those deputed by the confederate authorities at those places to receive em; I do not know that one of those persons was a Union officer detailed or aroled by the southern government for that purpose; I do not know that any our men were sent to those points; I did not come personally in connection ith any of the men who received the goods. I did simply this: when the oods were sent from Beaufort I sent an agent from my own establishment, who ommitted them to General Foster's agent of exchange, and he took charge of em until they passed into the hands of the confederate agent of exchange; received evidence of their going beyond the three places named; I received eceipts showing they went to other places; I did from Andersonville. I ould not tell what portion of the goods embraced in that list I received eceipts for as having arrived at Andersonville; I could not tell about it, r it was a thing that passed out of my hands. I was satisfied the things ere to be taken there from the assertions of the agents and their manner f conducting the exchange; they seemed to be determined to take the ings there; they said they would and I was satisfied with that; and they ave me the receipts which I have spoken of; and then again the receipts which ey obtained and which would come in a week or two subsequently, showed at they had dealt honestly with them. I have no knowledge whatever what roportion I received receipts for, not the least.

The JUDGE ADVOCATE. In connection with this testimony I desire to call he attention of the court to the following letter, written by the prisoner, and hich I find in his letter-book:

HEADQUARTERS COMMANDANT OF PRISON,
Camp Sumter, November 12, 1864.

CAPTAIN: I received yesterday by railroad (18) eighteen packages of clothing for the ederal prisoners of war at this post, to wit:

Five bales of blankets, consisting of 399 pieces.
One box of shoes, consisting of 60 pairs.
Four boxes of pants, consisting of 240 pieces.
Three boxes of drawers, consisting of 396 pieces.
One box of socks, consisting of 396 pieces.
Four boxes of shirts, consisting of 324 pieces.

I shall distribute them without delay and forward you the receipts of the prisoners, when ompleted.

Very respectfully, your obedient servant,

H. WIRZ.
Captain Commanding Prison.

Captain T. W. NEELY,
Assistant Quartermaster.

HE DISPOSITION OF LIEUTENANT COLONEL CHANDLER'S REPORT SHOWING THE CONDITION OF ANDERSONVILLE PRISON.

SEPTEMBER 26, 1865.

J. B. JONES, for the prosecution:

I was a clerk in the rebel war department during the past four years. I received rom the mails all the letters addressed to the secretary of war; they were rought to me from the post office by messengers. It was my duty to open

them and read them. I made a brief synopsis of the contents and sent them to the secretary. The report of Colonel Chandler in relation to the Andersonville prison was a report that should have gone to the adjutant general, but that document was sent to my office by mistake. I turned it over and looked at it; I did not pretend to read it. I read a few heads of paragraphs, and it was either sent by me immediately to the secretary, or possibly, probably it was sent for by the secretary, because he may have expected it. I did not read lengthy reports; indeed they did not come there. I was in the office after Mr. Seddon took charge of the war department. I remained there till the evacuation, this spring. I cannot be positively certain about his custom with regard to laying business before the president, but he had frequent conferences with the president, almost daily when they were both well. I have seen him going there, taking his papers himself.

THE RELATIONS EXISTING BETWEN GENERAL WINDER AND THE AUTHORITIES AT RICHMOND.

I was at Richmond while General Winder was commandant; he had several provost marshals under him during martial law. The general impression with regard to him was that he was fussy, and the official authorities did not like to have quarrels with him, I don't know why they did not like to have quarrels with him. I suppose because he was an old man and a little fretful, or something of that kind, and because he had been sustained. I don't know who his special protector was; I only know that during martial law there, his provost marshal, Major Griswold, (this was in 1862,) said that in regard to certain matters about the destruction of tobacco, &c., he was acting under the instructions and counsel of Mr. Benjamin, then secretary of state, Mr. Randolph being then secretary of war.

Q. Was there a clamor made against him and an effort made for his removal?

A. Very great, in the community—very great.

Q. Who interposed? Who were his friends?

A. That I don't know. He was appointed before Secretary Benjamin vacated the office of secretary of war, and it was my belief that he still had him as his counsel, and I suppose protector. I was in the war office all the time. I have kept a diary; that is a private and secret literary enterprise of my own. It will be published as soon as I am well enough to revise it. A large publishing house in the north has contracted with me, and the custody of it was given to them several months ago. I don't know whose particular favorite General Winder was, because I had no opportunity or desire to watch General Winder in his movements. I know, however, that he frequently went to the executive office. Whether he went to see the president or Mr. Benjamin, it is impossible for me to say. Mr. Benjamin's office was in the same building, on the same floor, and in the immediate vicinity of the president's, in the old granite building, formerly the United States custom-house at Richmond. I do not know how General Winder was regarded by the president. All I know is that he was sustained in office by the president. There were a great many efforts to effect his removal. The citizens wanted a southern man to be what they called "master of Virginia." Indeed, his authority extended out of Virginia. I have known him to order arrests in different States. I cannot tell what Mr. Benjamin's influence was with the president. Mr. Benjamin was unpopular as secretary of war. It was understood that the delegation from his own State in Congress desired his removal. A clamor in the field, too, as well as from these gentlemen and others, it was thought, induced his resignation or removal; and he was immediately promoted to be secretary of state, the head of the cabinet.

Q. Was he regarded as very near the president in power?

A. Just as I have said. His being made the head of the cabinet indicates that

e had the confidence of the president, and all conceded to him superior talents nd abilities to any other member of the cabinet. He had been the legal adiser of the government—the first attorney general, or minister of justice, as they alled it.

Q. Did you understand that he was regarded as General Winder's special iend and protector?

A. Well, sir, the information which I received on that point from the provost arshal, Major Griswold, General Winder's subordinate, was that he had the ounsel and advice of Mr. Benjamin in regard to what he should do about the estruction of tobacco, in the event of the city being occupied by the enemy.

(Counsel for the accused declined to cross-examine the witness.)

THE RELATIONS EXISTING BETWEEN GENERAL WINDER AND THE AUTHORITIES AT RICHMOND.

SEPTEMBER 26, 1865.

PHILIP CASHMYER, for the prosecution:

For the last four years I was detective officer under General Winder. I was ith General Winder from the time he commenced his duties as provost marnal until he died. I was his special confidential detective. Well, my duties ere, any important matters such as detectives have to attend to I attended o for him, such as examining prisoners and making reports upon them and matrs of that sort. I was admitted into his family also. The relations existing etween him and Mr. Jefferson Davis were very friendly indeed, very confiential. I often heard General Winder say so. I often saw him go there and ome from there. I remember when an effort was made by Generals Bragg and ansom to have him removed, Mr. Davis—President Davis—was his special iend then. When the order relieving General Winder came from the war epartment he took it and went up to Mr. Davis. The order was relieving him om duty in Richmond. He took it and went over and saw President Davis, nd he indorsed on it, as well as I can recollect, "that it was entirely unnecesary and uncalled for." After that General Winder was sent to Goldsboro', orth Carolina, to take the field; he was there a week or two, and an order nen came for him to go to Andersonville and take command there. His powers ere not extended for some months after that. They were then They ade him commissioner general, commissary general of prisoners. They called im commissioner general. I still continued with him till he died in my tent at lorence, South Carolina. As well as I can recollect, the order sending W. . Winder to Andersonville to lay out the prison came from the war departnent. General Winder desired to send him, and the war department sanctioned . I saw the son go with the general down to the war department and come om there.

Cross-examined by COUNSEL:

Q. Where did that order come from for W. S. Winder to go?

A. As well as I can recollect, General Winder proposed to send him. I did ot read the order; I saw the paper. I do not know anything about what was n it, only from what I heard the general and Captain Winder say. They were iscussing it. I don't know who signed the order; I don't know anything about hat. I think, if I am not mistaken, Mr. Seddon was secretary of war then. I on't know what month it was in. I can't remember. At that time I was in eneral Winder's office. That office was at the corner of Tenth and Broad treets, in Richmond. General Winder went to Andersonville in the latter part f June or the early part of July, 1864; I forget which. I understand, when was asked about the order, that it was the order to lay out the prison referred o. His son went there long before General Winder went. Wm. S. Winder nd he had a conference with the general before he went there. I remained

with the general all the time. I know nothing about the laying out of that prison, only what I heard the general and his son say previous to his starting.

Q. Do you know of General Winder having frequent official business with Mr. Davis?

A. Yes, sir; so I have heard him say; that is all I know about it. I have often heard him say that he had to go to see the president on official business, but whether he went there on any other business I do not know. I know he went there for the president to protect him in some matters; I could not say how many times. I have known him to do it more than once. I suppose two or three times. I don't know exactly. I was in Richmond about three years, as well as I can recollect, under General Winder. And during all those three years he might have gone to the president oftener than two or three times for protection, but I do not know of any more. The rest of the time he went on official duty.

MEDICAL TESTIMONY.—THE CONDITION OF THE PRISONERS IN THE HOSPITAL.

SEPTEMBER 26, 1865.

Dr. E. A. FLEWELLAN, for the prosecution:

I held several positions in the rebel army. My first position in the commencement of the rebellion was surgeon of a regiment. I was afterwards medical director, under General Bragg, and, subsequently to that, I was inspector of general hospitals for the army of Tennessee.

Q. While you were inspector of prison hospitals for the army of Tennessee, did your charge also include prison hospitals?

A. I was so instructed by the surgeon general; towards the latter part of the time I held that position. I visited the prison hospital at Andersonville on three occasions. The first occasion was before I had the assignment from the surgeon general as inspector general. I was sent down under order from the director of general hospitals. It was a few days before General Johnston was relieved by General Hood. I do not remember the month. It was in July or August, 1864. The general condition of the hospital on my first arrival was a bad one. It was not of sufficient capacity. The tents were of all varieties and sizes, and were in pretty bad condition. I did not see any bunks except such as were improvised of forked sticks and things of that kind. The furniture of the hospital, if it could be called such, was exceedingly meagre and very dirty. The tents were all dirty; they had dirt floors without planking, and that, of course, accounted for their filthy condition, because everybody who knows pine woods knows that a man cannot step on piney ground without getting very dirty. The policing of the establishment was inefficient. There seemed to be an effort to keep it clean; but, notwithstanding all that, it was not as clean as a man would desire. The cooking department was very meagrely supplied. It was not supplied as it ought to have been. There was some complaint about the quality and character of the rations. I looked into that as far as I could. Being there but one day, a man could not form a very satisfactory opinion as to the quality of the rations issued. I saw them during the time I was there, and saw nothing but beef and bread.

By the COURT:

Well, it was, in the main, corn-bread. At that time Dr. White was in charge of the hospital. I rather think I did make some suggestions in regard to the changes needed there, but I am not very definite about it. The court will excuse me for making this remark, that I wrote out a very full report for the benefit of the director of hospitals. He had been a short while previous to that time, as I understood, instructed by the surgeon general to take charge of all prison hospitals as well as confederate hospitals in that territory. He had heard

various reports in reference to Andersonville, and he sent me down to make a full report. I made that report to him, but I have no copy of it; and it was so long since, and there have been so many changes, that I cannot remember very definitely the details. It is only generally that I can remember. I gave a full statement in that report, but that statement was never forwarded beyond Dr. Stout, who was the director of hospitals, to my knowledge. I gave the reason for it to the judge advocate. I suppose it is not necessary for me to state it to the court. I made quite a full and minute report to Dr. Stout, and he made an indorsement upon it, with the intention of sending it on immediately to the surgeon general; but, at that time, Surgeon Covey, who belonged to the department of the inspector of hospitals, being himself, I think, from Virginia, came down into Georgia, I think, under orders from the surgeon general, and this report of mine was placed by Dr. Stout in his hands to look at, as he was about making a trip to Andersonville himself. He kept the report for some weeks. In the mean time Dr. Stout, who was at Macon at the time the report was put in his hands, had removed his office to Columbus, Georgia. Dr. Covey kept it for some weeks, and then handed it to me. I think it was fully three weeks before he gave it to me to return to Dr. Stout. About that time the communications were all broken up, and I do not think my report was ever forwarded to Richmond. Dr. Covey left for the purpose of going back to Richmond. Dr. White left Andersonville somewhere between my first and second visits; it was between August and November. I cannot tell you the month. When I was first at Andersonville he was there in the capacity of senior surgeon of the post. As I remarked previously, the hospital was placed under the general direction of the director of hospitals, Dr. Stout. Subsequent to that time I saw a copy of an order sent by Dr. White to Dr. Stout, which was an assignment by the secretary of war of Dr. White as chief surgeon of prison hospitals, and from that time he ceased to report to Dr. Stout. I suppose he regarded it as promotion. I never did understand, nor did Dr. Stout, what was the meaning of that assignment. I think it was in the neigborhood of the time of General Winder's appointment as commissary general of prisoners. I am not able to say whether they left together. I was out in the west at the time. I presume they did; but I do not say it, because I do not know. I have never seen Dr. White since I saw him the first time; but my understanding has been, that he was a sort of staff officer of General Winder, and was with him all the time.

Cross-examined by COUNSEL:

I do not know when General Winder left Richmond to go to Andersonville; I knew nothing about that; I found General Winder there on the first visit I made to Andersonville; I did not know how long he had been there; I had no information about Surgeon White going with him, except that I found Dr. White there in the capacity of senior surgeon of the post, and subsequent to that I saw an order from the war department assigning Dr. White as chief surgeon of military prisons, or words to that effect, and he left the hospital at or about the time that General Winder left Andersonville; I do not know where he went; I can tell you what I understood, but I know nothing about it of my own knowledge; I do not know anything about his leaving Andersonville, except that I did not find him there on my second visit.

The JUDGE ADVOCATE stated that the prosecution had no further evidence to present to day.

REMARKS RELATIVE TO MR. SCHADE PASSING LETTERS BETWEEN CAPTAIN WIRZ AND MRS. WIRZ.

Mr. BAKER. Before proceeding to offer testimony, I propose, in accordance with the practice of the courts, to open with a statement of what we expect to prove in our defence.

The PRESIDENT. That is not required by the rule.

Mr. BAKER. I don't know that there is any rule about it.

The PRESIDENT. It is not customary at all in military courts.

The JUDGE ADVOCATE. I am desired by Mr. Baker to make a statement.

Mr. BAKER. I beg pardon; I simply said to the judge advocate that if there was anything out of the way which I did not know about it had better be settled now.

The JUDGE ADVOCATE. Well sir, it is a disclosure which I should think would not be very pleasant to your associate, and I prefer not to make it unless you insist upon it.

Mr. SCHADE. After what has been said I wish the judge advocate to state the whole thing.

The JUDGE ADVOCATE. I will do so. Within the last fortnight very stringent rules and regulations have been sought to be observed with regard to the custody of the prisoner, so that it would be impossible for him to receive anything clandestinely. With this object, interviews between him and his wife are in the presence of an officer specially designated, so as to prevent anything improper passing to the prisoner. But there have occurred two or three instances of this kind: the prisoner would bring a note or a letter and hand it to his counsel, Mr. Schade, and without being submitted for examination, it would be delivered to Mrs. Wirz; afterward some response would be delivered by Mr. Schade to the prisoner. Mr. Schade was seen two or three days ago to hand him some money and a slip of paper, which I myself saw the prisoner read and crush in his hand. I intended at the time to have had it taken away from him, but something else attracted my attention at the time, and subsequently it was too late. This morning again a letter was passed by the prisoner to Mr. Schade, and without submitting it to me or any one else for inspection, it was handed to the witness, Gazcetti—who has been a very active man for the defence—who wrote a letter to the New York Daily News, which has been published. That witness has gone away with the letter which Mr. Schade handed to him. I have requested its delivery to me, and Mr. Schade says he cannot produce it. I make this disclosure not because I desired to make it, but because it has been forced upon me. I think that the counsel has indulged in a course of practice quite improper, as he himself must understand.

The PRESIDENT. Cannot Mr. Schade give us the contents of that letter?

The JUDGE ADVOCATE. I don't know. He cannot give it to me.

Mr. SCHADE. I never have thought there was anything wrong in giving a letter from Captain Wirz to his wife; I knew that the contents of these letters did not relate to anything, but perhaps some private matters—asking perhaps for clothing or something of that kind. So far as regards the money which the judge advocate says I have been seen to give to the prisoner, I will state that I gave that money out of my own pocket, simply that the prisoner might have the means to buy some extra food; I have done so frequently, and I do not at all hesitate to declare it openly. In regard to the letter this morning, the prisoner handed me this letter, and I received it in the presence of the officer having charge of the prisoner.

Lieutenant MURPHY, (to Mr. Schade.) Did I not tell you not to take it?

Mr. SCHADE, (to Lieutenant Murphy.) I told you that I did not think there was anything wrong in the letter.

The PRESIDENT. Did you see the contents of the letter Mr. Schade?

Mr. SCHADE. Not having time to examine the letter, nor to carry it to Mrs. Wirz, I handed the letter to one of the witnesses that he might deliver it to Mrs. Wirz. As soon as I see him, even if he shall have delivered the letter, I will ask him to go to Mrs. Wirz and bring the letter back to me. As to the letter which I the other day received from the prisoner, I will merely state that so little did I conceive that there was anything improper in the matter, that I

anded it over to the bailiff of the court who carried it to Mrs. Wirz. There as certainly been no wrong intention on my part; if I had had any idea that was committing anything wrong I certainly would not have done it. But I hall have this letter produced as soon as I have an opportunity, and the court an then convince itself that nothing improper has been done or intended to be one. This is all the explanation I can make of this matter.

The PRESIDENT, (to Mr. Schade.) You will produce that letter and hand it o the judge advocate.

Mr. SCHADE. Certainly; I shall do so as soon as I have an opportunity.

Mr. BAKER. I will simply say that I knew nothing about this matter; I eard some sharp words between my colleague and the judge advocate, and I equested that the whole thing might come out. It has no reference to me whatever.

The JUDGE ADVOCATE. I want the counsel (Mr. Schade) to feel that he does ot possess the discretion to exercise that kind of liberty. We hear very often f bribes being offered to sentries, and money is a very ready means of obtain- ng assistance in that way. I make this remark that counsel may not assume o himself a discretion to do as he admits he has done, especially when the fficer in charge of the prisoner tells him that he must not accept the letter.

Mr. SCHADE. Allow me to say another word; I never have given the prisoner nore than five dollars at one time; I have given him money in the presence of he officers at the old capitol; I never thought that I was doing anything wrong; and if I have the assurance that the prisoner will get better fare than e gets now, there will be no necessity for me to give him any more money. It as been on his urgent request that I have done so.

The JUDGE ADVOCATE. He gets everything that he desires.

Mr. SCHADE. He says that he does not.

The JUDGE ADVOCATE. I very much doubt that, because there are sanitary tores at the prison all the time for the use of the sick.

The PRESIDENT, (to the judge advocate.) You had better inquire into the natter and see whether the prisoner is suffering from any deprivation whatever.

The JUDGE ADVOCATE. I will do so.

Mr. BAKER. I do not think it is at all necessary to bring up that subject; I ave frequently visited the prison myself, and I am satisfied that the prisoner ares as well as any man can in his circumstances. Of course, a sick man may want some little delicacies which are not furnished; but otherwise, I think he ares as well as he possibly can.

The PRESIDENT. The judge advocate will please inquire into the matter nd make report.

Mr. BAKER. For my part I wish nothing of this kind should come up again; t has been up once or twice already.

Mr. SCHADE. The prisoner states that he gets nothing during the day but wo cups of milk and two eggs.

The PRESIDENT. The court will expect, Mr. Schade, that the letter which as been referred to shall be handed to the judge advocate for perusal.

Mr. SCHADE. Certainly.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

SEPTEMBER 26, 1865.

Rev. W. J. HAMILTON, recalled for the defence:

I have been at Andersonville frequently; I had an opportunity of observing he conduct of Captain Wirz while I was there to a very limited extent. It eemed to me that he was disposed to do everything in his power for their piritual comfort, and as far as I could see for their bodily comfort also. He ave me every facility in the pursuit of my object.

Q. Was it or was it not done grudgingly or otherwise?

(Objected to by the judge advocate and objection sustained.)

I had no complaints made to me by prisoners of ill-treatment on the part of Captain Wirz; I never heard of any prisoner dying from any such treatment from the hands of Captain Wirz, nor from any personal violence from him; I never knew of a prisoner being torn by dogs there; nothing of the kind. In declining to answer the question put to me the other day by the judge advocate, I did not decline on the ground that the answer would in any way prejudice Captain Wirz or make against him.

ACTS OF CRUELTY COMMITTED BY WIRZ.

SEPTEMBER 26, 1865.

Rev. PETER WHELAN, for the defence:

My office is that of a priest; I was in Andersonville from the 16th of June, 1864, till near the 1st of October. The previous portion of the year I was at Savannah, except for some time, when I went to attend Catholics in the confederate camps.

Q. State how you happened to go to Andersonville, whom you saw and met there, and all about your duties there?

A. Father Hamilton had visited the place in May, seen the condition of the prisoners, and written to the bishop at Savannah to send a priest there. He asked me to go and visit the prisoners. According to his request I went; I stayed there until nearly the 1st of October, from, I may say, the 16th of June, 1864; I stayed until the vast portion of the prisoners were removed to other points; I would have stayed longer if the prisoners had been retained; my duties were those of a Catholic priest—nothing more; I had no commission from the government; I went there voluntarily, without pay or remuneration, further than merely to receive rations. These were nearly the same rations which the soldiers who were on guard there received, and also the prisoners in the stockade. Perhaps I might have had something more in quantity, but not as to quality; my labors were performed inside the stockade and in the hospital outside; I never saw Captain Wirz inflicting any personal violence on any prisoner; neither did I hear of it during my stay there; I might have heard reports that he used profane language, but I never saw or heard of him using any personal violence there so as to produce death; it is the highest probability that such a thing could not have occurred without coming to my knowledge.

The JUDGE ADVOCATE. The question was as to the facilities you had.

WITNESS. I was there all the time with the prisoners, in the hospital and in the stockade; I mingled with the prisoners entirely; I have been there for a fortnight perhaps without speaking to any but prisoners; my duties were with the prisoners; if anything of that nature had occurred it is highly probable I should have heard it; I visited all parts of the stockade without disturbance to me. The prisoners knew that I went for their benefit and interest, consequently they did not show any act of disrespect to me. Perhaps one or two or a few might do so, but the generality of the prisoners—although perhaps their morals were not always the best—showed me respect as a clergyman. They knew that I came for their benefit and welfare. I heard a good deal of profane language among them.

Q. When you returned to the stockade after being outside did the prisoners gather around you in crowds?

A. They often collected around me in crowds to ask questions, but I never stopped to answer; I always passed on; if I had stopped with every crowd that collected, I could not have discharged my duties as a clergyman to those who were sick and dying; I was therefore necessitated not to answer them,

because they would have taken up so much of my time; sometimes they would ask me in reference to reports they had heard; I would pass on and say nothing to them.

MEN BITTEN BY THE DOGS.

There may have been some reports to the effect that persons were torn by dogs. I may have heard of persons who had been hunted down by dogs, but whether they were torn by the dogs or not I could not positively say. If I had heard of such a thing it is more than probable I would have remembered it. I cannot say positively.

CAPTAIN WIRZ AFFORDS FATHER WHELAN EVERY FACILITY IN VISITING THE PRISONERS AND RELIEVING THEIR WANTS.

Captain Wirz afforded me every facility to visit the prisoners and afford them any relief that was in my power. He never put any obstacles in my way, whether physical or spiritual. My means of giving physical aid to them were very limited. But he afforded me every facility with regard to the prisoners. I have sometimes mislaid my pass, and when I went to him he freely gave me a new pass to visit the hospital and the prison. He never interfered in any manner whatever with the discharge of my duty. He gave me the facilities, and that fact was evidence of his willingness to do so. So far as his will was concerned, that was an operation of his own mind of which I could have no knowledge. He always did it cheerfully. He never refused. He never showed any objection to give me at any time a pass to go into the stockade or hospital. I applied to him in January, 1865, about taking to the prisoners some provisions. I borrowed $16,000 and went down to Andersonville. I spoke to Captain Wirz and he freely gave me permission to purchase flour for the prisoners. I gave the money to a gentleman in Americus of the name of Wynne, and he purchased the flour and sent it to Captain Wirz. I think that he wrote a letter to Father Hamilton stating that he did so. When I applied to him about it he mentioned to me that he would have to take the flour in his own charge and see that it was cooked and distributed in bread to the prisoners. I could not say whether it was distributed. I believe that some witness here gave testimony to that effect.

By the JUDGE ADVOCATE:

Q. From your expenditure of the money, your buying the flour and sending it there, and from the information you have of it, can you say whether it was distributed?

A. I cannot say whether it was distributed or not. After the purchase of the flour I went to Macon, and did not return to Andersonville any more.

COUNSEL. My question was as to your information in regard to it.

WITNESS. My opinion is——

The JUDGE ADVOCATE objected to the witness stating his opinion

Mr. BAKER contended that he had a right to do so.

After deliberation the objection was sustained.

Q. Have you not the best reason to believe that that flour was distributed?

Same objection by the judge advocate.

After deliberation the objection was sustained.

Q. Did Captain Wirz on any occasion express to you any desire in reference to the prisoners; if so, state what they were?

Objected to by the judge advocate on the ground that the prisoner could no more make testimony in his own favor by his declarations than he could be put on the stand as a witness.

Mr. BAKER contended that as everything which the prisoner said or did had

been shown by the prosecution, the court had a right to know the other side of the case. He asked the question for the purpose of showing the prisoner's mind.

After deliberation the objection was sustained.

THE HANGING OF "THE RAIDERS."

I administered to five of the prisoners who were hanged. There was one of them who was not a Catholic. They were arrested as raiders in the stockade, together with several more who were not condemned. There was a court-martial of the prisoners held on these men and six of them were condemned. They were put in the stocks. I visited them the evening before they were hanged and gave them all the consolations of religion that it was possible for me to do. The next morning Captain Wirz came down to carry them to the stockade to be delivered to the prisoners there. I asked him to delay their execution for another day. He said to me that it was out of his power. They were prisoners who were plundering or robbing and using violence on other prisoners. That was what I considered as what was designated raiders. They were brought in by Captain Wirz with a company of soldiers. I cannot precisely give the words that he used, but I can give the substance of them. My feelings were engrossed by the condemned men and my attention was turned to giving them all the consolations of religion before they passed off into eternity. Captain Wirz said something like this: "Boys, I have taken these men out and now I return them to you, having taken good care of them. I now commit them to you. You can do with them as you see fit." Then turning around to the condemned men he said, "May the Lord have mercy on your souls." The men were then placed on a platform or gallows. They begged of me to make an appeal to their comrades—an appeal to spare them from execution. I made it to their fellow-prisoners. There was a hollow square formed with the six men and myself inside of it. One of them broke loose. He said he would not ascend the scaffold, and he broke through the line and ran into the swamp. A number of men followed and brought him back. They were his fellow-prisoners who followed and brought him back. After the men were hanged they were cut down and buried. They carried them outside the stockade and buried them in a separate part of the graveyard, I believe. The last time I visited the graveyard I saw a place where I understood these six men were buried, separate and distinct from the rest.

Q. From what you saw of Captain Wirz in reference to them, describe his actions and feelings in reference to that affair.

A. I think I have mentioned that. He entered there with a company, and after delivering up the men to the hangman he wheeled around and went off.

Q. What was his conduct?

A. I could not see anything only calmness. I could not see any revengeful spirit indicated by him or any great desire that these men should be punished. I believe it was done with the object of deterring others from committing similar crimes. After that there were no more robberies in the stockade, at least none that were publicly notorious, none to that degree. I think Captain Wirz in that matter was carrying out the will of the majority of the prisoners. The prisoners made application, I believe, to the authorities there to have some means adopted to stop this raiding, and I believe the authorities gave these men up to the prisoners to be tried by court-martial. I cannot say to whom it was understood that they applied.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Q. From your intimacy with Captain Wirz while you were there can you state to the court what was his general conduct, as to kindness or harshness, towards the prisoners?

A. I think I never saw him within the stockade except the time the men were hanged.

Q. I mean generally, inside, outside, and everywhere else.

A. He was always calm and kind to me.

Q. Was he to others, so far as you saw?

A. Yes, sir, I have seen him commit no violence. He may sometimes have spoken harshly to some of the prisoners.

Q. Did you ever hear there of the atrocities that have been developed in this court, or of his personal cruelties at all?

A. I have not all the testimony before me.

Q. Did you hear of any of them?

A. I cannot say. There have been some violences charged upon him here which I never heard of being committed by him. I never heard of his killing a man, or striking a man with a pistol, or kicking a man to death. During my time in the stockade I never heard of it. I never heard, either inside or outside, during my stay there, that he had taken the life of a man by violence; that he had shot a man or kicked him to death.

Q. Or that he injured a man so that the man was laid up?

A. No, sir, I never heard positively.

Q. If any such thing occurred must you not have heard of it?

A. It is highly probable I should have heard of it.

Cross-examined by the JUDGE ADVOCATE:

My duties there were very onerous. They occupied the whole of my time. My health was somewhat impaired from it. I entered the stockade about nine o'clock in the morning. That was the time the prisoners could take most rest. I remained there sometimes till four and sometimes till five o'clock. In the morning before going in I would say my prayers and read my "office." After I came out I continued saying my prayers. I was occupied with my own business and nobody's else.

Q. How then could you see or know everything that transpired there in reference to Captain Wirz?

A. I did not say that I did.

Q. You have said that if he had committed acts of violence you would have known it?

A. I said it was highly probable I should have known it through report.

Q. Why?

A. Because if such an act of violence were publicly done it would necessarily be rumored about.

Q. Your means of knowledge were only your association with the soldiers?

A. I say it was highly probable that if such a public act as murdering a man there were done, I would have heard of it.

Q. Did you ever hear anything said there about Captain Wirz being a cruel man?

A. I heard some prisoners saying he was a violent man.

Q. What else did you hear them say about him?

A. Nothing more than that he was a violent man; that he was harsh to some and cursed them.

Q. How long were you there?

A. From some time about the 16th of June till near the 1st of October, 1864. I remained there till the prisoners were nearly all removed.

Q. Are you aware that prisoners are not in the habit of complaining of officers who have it in their power to punish them?

A. The office of keeper of a prison is a very odious one, and his actions in the performance of his duty are usually looked upon as those of harshness.

Q. Did your duties require you to curtail your religious services there?

A. Yes, sir; I had to shorten what is called the sacramentalia, and also the ceremony of baptism, and also that of extreme unction. I had to give the sacrament without the prescribed prayers.

By the COURT:

Q. State to the court whether, on the occasion of your visits there, you saw Captain Wirz within the stockade?

A. I do not recollect having seen him so that I can speak positively within the stockade, except on this memorable occasion. He might have been in the stockade while I was in the hospital.

Q. State whether you ever saw him in the hospital at any time.

A. No, sir; I never saw him in the hospital.

THE HANGING OF "THE RAIDERS."

Q. Are you prepared to say that those six men who were hanged were brought to that extremity because of their being criminals, or because of their being so situated in that prison? Was there not great moral depravity there?

A. Yes; there was great moral depravity in the prison before the raiders were hanged. I heard men complaining of it. There must have been great moral depravity in it when the prisoners themselves made application to have these men tried. I cannot say whether they had been guilty of any capital crime.

Q. Do you know whether their lives might not have been spared?

A. I cannot answer.

Q. The record of the prison shows that over 900 prisoners were sent away on the day these men were hanged. Do you know any reason why these men could not have been sent away instead of being hanged?

A. I do not know that any such number of men were sent away. That is a matter which I could not decide upon because it remained with the commandant there.

CAPTAIN WIRZ AFFORDS FATHER WHELAN EVERY FACILITY IN VISITING THE PRISONERS AND RELIEVING THEIR WANTS.

By COUNSEL:

Q. There were a number of other clergymen there. I had written to Savannah, to the bishop, to send another priest, as I was not able alone to attend to the sick and dying. A young man named Clavering came up and remained until his health was so impaired that he had to return. Then a Catholic priest named Kirby came from Augusta and stayed some time. Then a clergyman from Mobile came and stayed with me till the prisoners were nearly all removed. He left a few days before me. We stayed with the prisoners as long as we could.

Q. Any physical assistance that you wished to render to the prisoners, could you render it with the same facilities as you could render spiritual assistance?

A. I think I have mentioned that Captain Wirz gave me every facility.

By the COURT:

It was in January, 1865, that I bought this flour I spoke of. It was for the use of every person in the prison. I made no distinction as to sect or creed as far as body was concerned. As far as the soul was concerned any one who asked me to administer to him I attended to.

THE RATIONS.

Q. You have stated that you drew rations while you were there?

A. No, sir; I had a detailed soldier with me who got the rations; I do not know where; he was my cook; he was a prisoner on parole; I do not know where he got them; I think he got them at the cook-house; the rations were

corn-bread; I can't say as to the quantity, but I got as much as I could eat and he got the same; I got meat too; I got some coffee which I purchased with my own money; nothing else, except water; I might have got rice there; I had no peas, beans, or molasses; I might have bought them perhaps if I had had an opportunity to use them. The food I received there was ample for my sustenance, but as I mentioned in my examination the quality was the same as that which the prisoners and the guard had. I have seen the rations and food they got, and this man got our food where it was obtained for the prisoners. He did not bring it to me cooked; he cooked it himself, and sometimes he cooked one day what would do for two days. I have heard prisoners complain of not having enough to eat; they often complained of it. I did not say the amount of food I got was the same as that issued to the prisoners as to quantity; I said as to quality.

By COUNSEL:

I do not know anything as to what the prisoner got.

By the COURT:

I never received any putrid meat. I do not know but that the prisoners might have got some. The man who went to the cook-house brought this portion of food for himself and me. As to the quantity, we got enough to eat; we were satisfied with it. It was not so much my stomach I was looking after as the souls of the prisoners. I think the food taken to that bake-house was exclusively for the prisoners.

Q. If that was the case was not what you received taken from them?

A. I think it was only the raising of a finger of every man's rations to give me what I eat. The prisoner with me on parole had a right to double rations, and the quantity of food I used I do not think would go far towards the starvation of the whole camp.

Q. Have you ever heard prisoners complain of short rations?

A. I have heard them complain as to the quantity of food.

Q. Did you ever know of any starving to death?

A. I have seen persons there who were sick and the quality of food was such that they could not use it. They had diarrhœa, and the consequence was they may have died of starvation. The prisoners looked, some of them, very emaciated—those who had scurvy—and diarrhœa followed from it. They were extremely emaciated, and there was a good deal of filth in the prison. I cannot tell you to how many dying persons I have administered spiritual aid. Perhaps it might have been fifteen hundred or two thousand. I think I would be safe in saying more than one thousand. I think it would approximate to the number.

Q. Are you prepared to say that out of that one thousand none died from starvation?

A. I say that I am not prepared to say that.

Q. I ask the further question whether it is not your belief that some of them died from starvation?

A. I have mentioned the circumstance that where the quality of the food was such that it could not be used, and where sick men were not able to use it, they must necessarily die from starvation.

Mr. BAKER. I desire to state to the court that I have examined these two witnesses at this time so that they might visit the prisoner as his spiritual adviser. I understand that they were prevented hitherto for the reason that they were to be witnesses for the defence.

The PRESIDENT. That is a matter for the officer in charge of the prison, not for us. The court has stated before that it has nothing to do with the prisoner, and that any arrangement of that kind by the authority of the Secretary of War must be made with the officer in charge of the prison.

Mr. BAKER. I only want to ascertain from the judge advocate——

The PRESIDENT. Go on with your witnesses, Mr. Baker.

Mr. BAKER. I suppose the court will allow me to say——

The PRESIDENT. It is unnecessary to call on the court.

Mr. BAKER, Will the judge advocate give these clergymen their certificates?

The JUDGE ADVOCATE. They have both received their certificates.

Mr. BAKER. In order that they may visit the prison?

The JUDGE ADVOCATE. No, but certificates of their having been in attendance, and of their having testified as witnesses.

SEPTEMBER 26, 1865.

Colonel JAMES H. FANNIN, recalled for the defence:

I received an order from Brigadier General Cobb to report for duty at Andersonville, with my regiment. I reported there on the 9th of May, 1864. I continued on duty there until September; occasionally I was absent on furlough. I was colonel of the first regiment Georgia reserves. I was on duty at Andersonville from the 9th of May till, I think, the middle of September. I was not there all the time; I was away sometimes under orders.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

I was in command of the guard forces a great portion of the time. I never was in command of the post; I was in command of the troops. I was under the command of General Winder while he was there. When first I reported at the post Colonel Persons commanded it; afterwards the post was commanded by Colonel Forno. Captain Wirz would make known his wishes to the commandant of the post. He would make out requisitions for the number of guards he wished put on duty. The commandant of the post would notify the commandant of the troops of the number of guards wanted. The guards were furnished by the commandant of the troops to the commandant of the post, and then the officer commanding the guards was always ordered to report to Captain Wirz for instructions. When I first went there I suppose there were not more than 250 to 300 men there on duty. At that time there were reported to be only about 13,000 prisoners. The guard force always increased as the number of prisoners increased, and in June I think our force was augmented by the second, third and fourth regiments of Georgia reserves, and in August a battalion of militia, commanded by Lieutenant Colonel Furlow, reported for duty, and were there for some weeks. They were all there at one time. I forgot to mention that there was a portion of the fifty-fifth Georgia volunteers stationed there all that time. I do not think that at any time there was an effective force of more than 1,300 to 1,500. There may have been a few days when, counting detailed men and all that could be brought into action, there were as many as 1,800; but we very seldom had more than from 1,000 to 1,200 men for duty; our force was reduced from various causes. In the first place the Georgia reserves were subject to have details made from the ranks. A good many men were detailed and sent home as farmers. Many mechanics were detailed and sent to different portions of the army. Some men were detailed as scouts and sent to General Joseph E. Johnston, as he was retreating before General Sherman before he reached Atlanta. Then we had a good deal of sickness at the post; and, besides, a good many men were taken out as sergeants by Captain Wirz. Most of the troops were armed, but their arms were not very good ones. A great many of the arms were old flint and steel locks changed into percussions. They were not a good weapon by any means. A portion of the time there were a good many men there without weapons at all; very often we had to cause them when mounting guard to take the pieces of the old guards, at least a portion of them. I do not think Captain Wirz had the right to punish the guards for any acts they had committed. He could not reward them in any

way. The only way in which he could have troubled a soldier on guard would have been to prefer charges against him. I have heard Captain Wirz say that he had preferred charges against confederate soldiers; I do not know that I ever saw them. The subject of furloughs came under Captain Wirz's authority. I recollect on one occasion that he approved a furlough for me; he acted as commandant of the post for a few days. He could not do so at any other time; he could not do so for the soldiers; he had nothing to do with the soldiers except after they had reported to him for guard duty at the stockade; that authority would continue over them from one guard-mounting to the other—from eight o'clock in the morning till eight the next morning. The channel through which furloughs had to be obtained was this: An enlisted man would make application to the captain of his company. The captain of his company would forward it, with or without his approval, to the commander of his regiment, from whom it would be forwarded to the commandant of the troops, and thence to the commandant of the post. It would not in any way go to or touch Captain Wirz—not for any of the soldiers. I should not have respected any furlough that came from him in that way. I do not presume a soldier could have got away from there on any such furlough as his; it would have been irregular if he had.

Q. Did you in any way know or hear of furloughs given to the guards for shooting Union prisoners.

A. I am satisfied that it was never done.

By the JUDGE ADVOCATE:

I know that none was ever given while I was in command; none by myself.

Q. Did Captain Wirz ever ask you or intimate to you to give soldiers furloughs for shooting Union prisoners?

(Objected to by the judge advocate, as being in the first place negative evidence that amounted to nothing, and in the second place as being objectionable, because it was an attempt to sustain the defence by the prisoner's own declarations.

After deliberation the objection was sustained.)

Q. Did a guard ever apply to you for a furlough on the ground that he had shot a Union prisoner, or did you ever hear of such a thing while you were there?

A. I heard that such things were spoken of there, but they were mere rumor, and there was no truth in them; I cannot say that any soldiers ever applied to me for furloughs on that ground; I do not know that any application was made on that ground; none ever was that I know of. I heard, as I have heard since I came here, that charges were made in that direction; that it was stated that furloughs could be had for shooting Union prisoners; but I am satisfied——

The JUDGE ADVOCATE. You need not give your opinion.

WITNESS. I heard it as camp rumor; nothing more.

There never was an application of that kind made to me that I know of; if there had been such an application I think I would have recollected it; I was never requested by any one to give a guard a furlough because he had shot a Union prisoner; I recollect on one occasion there was a man applying for a furlough who, it appeared, had shot one or two Union prisoners for crossing the dead-line at night, and it was remarked by some one, when he made the application, that he was a good shot and that he ought to be furloughed; but there was no furlough granted and no application made on that ground; the reason that remark was made was that a great many prisoners had crossed the dead-line, and had traded a good deal with the guards; they used to tie their watches to strings and exchanged them with the guards for potatoes; the remark was made in this way to show that this man had not been bribed, and had not been trading with the prisoners. The reason that these men crossed the

dead-line at night, I had every reason to believe, was because Captain Wirz was outside the stockade at that time, sinking a hole to strike a tunnel, which he did the next day; this occurred at post number seventeen, on the north side of the branch, east of the stockade; it seems that Captain Wirz had received information that this tunnel passed near to the stoop where the sentry stood; they were digging on the outer side of the stockade to sink a hole down to the tunnel, and it was supposed that these men who were shot had crossed the dead-line in order to look through the crevices of the stockade to see what was going on, and whether or not they were trying to get to the tunnel.

Q. And the remark about receiving furloughs for shooting Union prisoners came from that circumstance?

A. That was the only connection in which I ever heard it used; there was a general court-martial, of which Colonel Forno was president, organized at Andersonville, I think, in July or August, 1864, to try some of the guard forces and sentries; it was in session two or three weeks, trying confederate soldiers and officers. On the advance of General Sherman to Atlanta it was thought safe to evacuate the post at Andersonville, and General Winder made application to the officer who convened the court to have authority conferred upon him to order the court away at will; it was ordered from Andersonville to Camp Lawton, five miles north of Millen, and was convened again there in September, I think; they had not finished the trial of confederate soldiers at Andersonville; I never saw any portion of the fifth Georgia regiment there but once that I recollect; the fifth Georgia reserves, Colonel Cumming's regiment, came down one night to help remove the prisoners, and they carried some, I think, to Florence, South Carolina; that regiment came down in the evening, and went off that night; I think that was the only time I ever saw them there; I cannot give the month when that was; I know that it was when the prisoners were being removed, in August or September, I think.

(See "shooting of prisoners by the guards.")

THE ORDERS TO THE SENTINELS.

There was an order to shoot prisoners for crossing the dead-line in existence all the time that I was there; prisoners were not allowed to pass within the little railing inside the stockade; I never heard that order come from the commander of the post, but I know that the different commanders of the post knew that there was such an order; I do not know that I ever talked with them on the subject, but I am satisfied that they were aware of it, for I was in the stockade at different times with the commanders of the post.

THE MUSIC AT ANDERSONVILLE FURNISHED BY PAROLED FEDERAL PRISONERS.

All the music we had at Andersonville was made by federal prisoners who were paroled. I made application to Captain Wirz one day, just before a train of cars arrived, for the detail of a man by the name of Johnny Griffiths, a fife-major in one of the federal regiments who was captured in northern Georgia; Captain Wirz remarked to me that he had no authority to detail the man, but that he would make an effort to have it done for me; the man was paroled, and acted as fifer of my regiment until he was sent away to be exchanged; there was quite a number of such men paroled.

THE DOGS

Sergeant Turner, the owner of the dogs, belonged to the 1st regiment Georgia reserves, my regiment, company H; I was not personally acquainted with all the men in the different companies; I do not know that I ever saw Turner till an order came from General Winder, in June or July, 1864, requiring this man

Turner to report to him in person; I recollect sending for the man, and his reporting to me; I sent him over to General Winder, and he came back and reported to me that General Winder had given him a furlough to go home; I said that was something rather irregular, I thought; and I asked him on what business he had been ordered; he said that the general had ordered him to go home and get a pack of negro-dogs he had, and bring them there in order to capture prisoners; I told him that I should object to anything of that kind; I was needing all the men I had at the time, as the guard duty was very heavy; but I was overruled. He was sent for his dogs, and returned with them, I think, in the latter part of June, or about the first or the middle of July; I did not know the man personally until he reported in pursuance of that order, but his company joined the regiment about the 15th or 18th of April, 1864; I have reason to believe that it was formed in White county, Georgia, and that its members mostly lived there. He was detailed by General Winder's order; I should not have respected the order if Captain Wirz had detailed that man. Dogs were used to catch confederate soldiers; some men deserted; the dogs were put on the track, and overtook them; they were brought in by this man Turner; they were used for capturing Union prisoners and confederate soldiers, I believe; I know of but one instance of their overtaking confederate soldiers; I think some eight or nine were pursued at that time; they were pursued about ninety miles.

Q. Do you know of any rule or regulation in regard to the dogs going round the prison every morning to make captures?

A. I don't know of any order on that subject. I cannot say how often I saw them during my stay there; I saw them several times; I cannot say whether it was a universal or general thing for them to do that. I never knew of any such rule or regulation of my own knowledge; I never knew there was any such practice; if there had been I would have heard of it, I suppose.

THE PUNISHMENT OF THE CONFEDERATE SOLDIERS AND FEDERAL SOLDIERS COMPARED.

Q. How were the confederate soldiers punished for escaping, or for other offences, in comparison with the federal prisoners? Were they punished in the same manner, or otherwise?

A. Punishments were inflicted by the officers; a good many of them were made to dig up stumps for trifling offences; others, when tried by a court-martial, wore ball and chain.

Q. You have seen them wear balls and chain the same as the federal soldiers?

A. The guard-house was nowhere near my quarters; I knew the sentences of the court, and I have heard of balls being upon confederate soldiers; I never saw it at the post; I knew the sentences and I have heard of cases; a man by the name of Bush was taken sick, and a physician advised that the ball be removed from him, and I understood it was done; I did not see it, however; he was a confederate soldier; a member of the 55th Georgia volunteers.

THE SUPPLY OF WOOD.

It was a daily duty for a long while detailing a wood guard for the federal prisoners, whilst there were so many prisoners there; they commenced making a detail of a wood guard, I think, in June, of 125 every day, to report at the south gate of the stockade; it was their duty, at one o'clock every day, to go with the prisoners after wood, and they generally returned to camp about dusk. I really cannot say what proportion the guard bore to the prisoners in numbers; I generally furnished a detail of about 120 to 125 men; the guard duty at that time was very heavy indeed. In June, when I used to have to furnish the guard, there was a good deal of grumbling, and I had to threaten to arrest men;

frequently men would be relieved at eight o'clock, and would have to go at one o'clock to act as wood guard; there were complaints and desertions on that account; I know that it was a very heavy duty upon the guard. When I had nine hundred men reporting for duty, I recollect that for three or four days consecutively I furnished a detail of six hundred men for duty at the stockade; a part of them were for a wood guard; a portion of the old guard were retained.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I never saw Captain Wirz shoot a prisoner; I never saw him kick one; I never heard of his doing such a thing as killing or otherwise injuring a prisoner in any way while I was there.

Q. Would you not have heard of it if any such thing had occurred?

A. I should have thought it probable at least. I never knew or heard of his beating a prisoner with a pistol, or anything of that kind.

THE DIFFICULTY OF PROCURING TOOLS, AXES, ETC.

I made frequent requisitions for tools for my regiment, and could not get them very frequently when we needed them. I made my requisitions on the quartermaster, J. L. Morgan, at Macon, Georgia, and sometimes sent a quartermaster up and try to secure them, and he would come back and report to me that he was unable to get them. It was so most of the time while we were stationed at the post. We never were well equipped. We did not have the tools which should have been furnished. I cannot say anything of my personal knowledge as to what became of the tools used by negroes, who worked there awhile. I can only make a statement of a general character on that subject. When General Stoneman was marching down in the direction of Macon, General Winder was afraid he would take Andersonville in his route, and called upon the farmers in the neighborhood, and in adjacent counties, to render all the assistance they could. His call was responded to by sending up a good many negroes with tools. They threw up earthworks—some three or four fortifications around the stockade; they put in one or two other lines of stockade timbers around the original stockade. When they left, (it was about the time of Stoneman's raid—I don't recollect exactly the month,) I was one day talking with General Winder at his headquarters, and, to the best of my recollection, a man, of somewhere from the neighboring county, was grumbling about some one trying to hinder him from carrying his tools away when his hands went; that they were trying to detain them longer than he thought necessary, and he came to speak to General Winder about it. He did so in my presence. I don't know that Captain Wirz had any control over those negroes or the tools, implements, axes, &c., at all. I do not think he had authority to retain them. They came in pursuance of a call of General Winder. That was as I heard it. I never saw the call of General Winder. It was a mere report there at the post. I know that the negroes were there, for I saw them.

Q. Did Captain Wirz at any time complain to you, in your official position, in regard to the deficiency of fuel, shelter, transportation, and the like?

(Question objected to by the judge advocate.

The court, after deliberation, sustained the objection.)

Q. What do you know about General Winder's complaining to Captain Wirz of any conduct for the relief of the prisoners there?

(Question objected to by the judge advocate.

The court, after deliberation, sustained the objection.)

THE RATIONS.

Sometimes we received bacon, sometimes salt pork, or salt beef; sometimes fresh beef, sorghum molasses, and corn bread. Our rations were not always as

good as I thought they might have been. I had to see General Winder upon the subject several times, and had some of our rations sent back to the commissary of the post, but they were returned to my regiment. After I came back to the regiment, I still found the troops grumbling about the rations. I examined them myself, and ordered them back a second time, and General Winder ordered a new issue. That was of beef. The corn meal was of a very inferior character; I think that most of the time it was musty. I know that the portion of it that I got was so. We were never able to draw flour except occasionally. When I first went there in May, when an officer reported sick he would be able to get a small quantity of flour; but that only remained so for a short time. The meal was ground very coarse indeed. There was a great deal of grumbling about rations, and they did desert, some of them complaining that they were not well fed.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I know that Captain Wirz was sick at Andersonville last summer, and for a time was confined to his house, and did not come to the post. The house at which he was living was, I think, about two miles from Andersonville. I was out once, in company with Dr. White, and Captain Wirz was then confined to his bed. I was going to another place, and was passing Captain Wirz's house with Dr. White; he and I stopped. Captain Wirz was very sick that day. He was away from the post for some weeks; I cannot say how long, exactly. This was in August, I think. I think he was sick, and had been a week or two—probably about the 13th of August. I recollect an incident then that occurred at the post. Captain Wirz was absent from the post at the time the stockade was washed down, and I think that was on Tuesday, the 13th of August. He was sick at that time, I think.

THE HANGING OF THE RAIDERS.

I frequently heard the prisoners inside the stockade whooping and hallooing at night. I am satisfied they were fighting, from the licks I could hear, and the screams after the licks. I have heard it frequently at night. It was about the time those raiders were at work inside the stockade. I was one day about 150 yards from Captain Wirz's headquarters, and I heard a whooping, as if from a crowd of men. I looked and saw that they were federal prisoners standing in front of his door. I walked in that direction, and went up the steps. I judge there were about 120 sergeants standing there together. I think there were four ranks doubled—eight ranks—to get them into a small space, right in front of the house. Captain Wirz seemed to be making a speech to them. I walked between the house and the men and stepped up on the floor, near Captain Wirz, and I inquired of some men who were standing there. They told me that these men had petitioned to be allowed to do as they pleased with some men inside the stockade who had been committing outrages—robberies and murders upon others of their number. About the time I stepped near Captain Wirz, he took a hat in his hand—a black, tall hat; he held it out, and one of the prisoners stepped forward, (I did not know him by name,) and took from the hat small slips of paper, and in that way selected a jury from the number, to try these men. Captain Wirz made a few remarks to them, and, using some profane language, said that he would turn the damned rascals over to them, or something of that kind, and let them do as they pleased with them; that they could try them. They went back then with expressions of gratification. They hurrahed. The jury were selected, and marched out as their names were called. They formed a line, and were counted out just before me; I was within

about three yards of them. They were all marched inside the stockade. There a court was convened; a guard was furnished them, and went in and brought out the men whom they desired to have tried. The witnesses came in before them, and they tried and sentenced some of these men—some of them to be hung. Six were executed, and others had other sentences inflicted upon them in the stockade. They made some of them run the gauntlet. There was a street inside the stockade—a wagon way which had been left open for the wagon that carried in the rations. From an elevation I could see inside the stockade, and I saw that the prisoners seemed to open their ranks on each side of this road; they would start a prisoner at one end and make him run 150 yards, and every one on different sides would get old sticks and clubs, and everything of that kind, and strike the prisoner as he passed. I could hear the yelling and see the racing. They would crack the man anywhere they could when he went by. I understood that one man was killed in that way. I never knew the fact. These sergeants, of whom I have spoken, were all federal prisoners; they were commanders of squads of nineties, I believe. I heard they were selected. The confederate troops or officers had not anything in the world to do with that matter. I heard General Winder speak of it. I think he wrote to Richmond to know what to do about the matter. After these men were sentenced by the court, he would not allow them to be hung until he received orders; I don't know from where or from whom. I know he waited some time before they were hung.

CONDITION OF THE WATER.

My regiment was ordered to take the quarters of the 26th Alabama. We remained there from about the 11th of May till somewhere in June, when we moved above. We had sinks in the rear of the regiment, and the orders were for the men to use them. We were then removed from that place to a hill, a quarter or a half a mile—nearly a half a mile from the stockade. We used well-water. I recollect Captain Wirz objecting to Colonel Harris of the third regiment carrying his troops as far away from the stockade as he wanted to, saying that he was afraid he would be too far away; that he needed him very much, as he was scarce of troops. Colonel Harris located a little nearer the stockade on that account. One regiment, in June, July or August, of last year, was encamped near the depot—the 4th regiment; and the latter part of the year the 55th regiment was moved over there, near the same place, near the depot, about a half a mile above the stockade. I do not know whether they were ever removed, for the purpose of relieving that brook, or anything of that kind. I never heard any fuss made about it at that time. I never heard complaint from any one in relation to the troops polluting the water of that brook. Whenever we were camped near the stockade, I desired to get my regiment further from it. There had been some cases of small pox at the stockade which had been brought out, and I desired to carry my regiment further from the stockade. I did so on that account, together with others.

THE CHAIN-GANG.

I do not know who ordered the chain-gang. I have seen men in the chain-gang. I know when General Winder came there. I don't know that the chain-gang was ever there before he came. I don't recollect positively as to the time I saw it. I know that I have seen men wearing the ball and chain.

TREATMENT OF THE DEAD.

The first dead-house was just in front of the south gate of the stockade, about forty or fifty yards from it. I never saw or knew a guard to be stationed

there. The last place they had for depositing the dead was inside the guard lines, from the fact that it was inside the hospital enclosure.

SHOOTING OF PRISONERS BY THE GUARDS.

I have made efforts to have a good many men arrested for firing off their guns at random. We were very scarce of ammunition there and issued an order not to allow any gun to be fired except under orders. Sometimes the men would come and make application to fire off their guns, stating that they had been in the rain and were in a bad condition. Sometimes they would fail to get permission, and occasionally we would hear a gun fired at night. The firing at night was frequent. We had a good deal of trouble on that account. We frequently stationed out-guards to catch those who fired off their pieces at night, and they caught some. This firing was very frequently done at night and occasionally in the day. Really I cannot tell how it was in comparison. Many would take their pieces and go out into the woods during the day and fire; we would hear firing in the vicinity of the camp. Sometimes sentinels in going backward and forward at night would fire off their guns. Some of them were allowed to come from the stockade out to the quarters for their suppers, and I have heard the officer of the guard complaining, and saying that they had tried to find out some of the men who had fired off their guns coming back; after going up to quarters to get supper they would fire off their guns on their return. I heard of the trading carried on between the prisoners inside and the guard forces. I never saw anything of it.

THE ORDER TO FIRE THE ARTILLERY UPON THE PRISONERS.

I recollect that one day when I was at the Star fortification, as it was called, a lot of prisoners came in. They were counted off, put into squads, and ordered to the prison gate. A large crowd of prisoners were congregated inside the stockade near the gate, inside of a line where some flags were put on poles. General Winder came up. Captain Wirz was there, at a piece of artillery near by where I was. He sent over and ordered the prisoners away, saying that it was a rule at the post to shoot into such crowds. I had heard before among the officers that such a rule had been instituted. I never saw the order in writing. Captain Wirz sent a sergeant of his (I think his name was Smith) on his horse over to the gate, and told him to tell the sentinel by the gate to tell those men to clear away; that if they did not he would have to have the gun fired over there. They did go away, and the gun was not fired.

TUNNELLING OUT.

We have had what we called "false alarms," and have been ordered out. In some instances the troops have been kept out nearly all night, around the stockade. I mean by "false alarms" that we have been notified that the prisoners were going to make an effort to get out of the stockade, and the troops were ordered out to be able to meet them; but no effort of the kind was made. The attempt was to be made by tunnelling. There was a hole for the prisoners to crawl through and get outside under the stockade wall. One of those to which I alluded yesterday was a very large one. I have heard of some prisoners having escaped through tunnels. I received orders and notifications from Captain Wirz. He said he had been informed by some prisoners that tunnels were nearly completed, and the guard was called out to prevent escape. This happened several times while I was at the post.

THE DEFICIENCY OF TRANSPORTATION.

I have seen a few mules and horses at that post—I suppose twenty—that were hauling teams. I never put myself to the trouble of counting them. I have seen some officers' horses there at the stable.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I know the prison was very much crowded. It was very difficult sometimes for prisoners in large lots to march in. They would congregate around the gate. I was there one day when about twelve hundred arrived. Captain Wirz remarked that he was very sorry they sent so many men there, as they were crowding the prison so much. That was before the enlargement of the prison was completed. They were making arrangements then to enlarge it. I should think he was frequently annoyed and troubled in that way, because the prison was very much crowded—very much indeed. Large lots of prisoners came in day after day. I should think they could not be very well cared for, there were so many of them together on that small piece of ground. All the prisons at Richmond were evacuated on account of the movements of General Meade, and the prisoners were sent to Andersonville very rapidly. Then, on account of the movements of the federal army from Pensacola towards Selma, Alabama, to cut off Mobile, the prisoners were sent from Cahawba. They came in very rapidly in June or July. General Winder sent Captain Dyke to Alabama to establish a prison there. He came back and reported that on account of the movements of the federal army in Alabama that was declined. There was one built at Florence, South Carolina, and one at Millen, Georgia.

Q. Do you know of any prisons having to be broken up for that cause?

A. Yes. Most of the prisoners were sent there for that reason. I know that a great many were sent away from Andersonville for exchange. Some were sent to Savannah.

SHOOTING OF PRISONERS BY WIRZ.

Captain Wirz rode a gray mare. I do not know that I ever saw him ride any other. I do not know of his riding or having any other. I do not know how Captain Wirz became crippled in his arm.

GENERAL COBB'S SPEECH.

General Cobb was at Andersonville twice.

COUNSEL for the defence, (having referred to the record.) Did you hear the speech made by General Cobb, at Andersonville, in March, 1865?

The JUDGE ADVOCATE. I wish to submit to the court, in this connection, a question which I deem of considerable importance, as, if decided in one way, it will abbreviate this trial; and if decided in the opposite way, will lengthen it very much. It is, whether counsel for the defence can defend all the parties inculpated in the evidence. I do not wish to have the appearance of trying to exclude a particle of testimony that might assist in explaining away the conduct of the accused, as shown by the witnesses for the government; but still I must insist that counsel has no right to appear for any one else than Captain Wirz, and to defend such conduct as he has committed in connection with others, so far as the question of conspiracy is concerned. The government has not prosecuted in this trial any one but Captain Wirz with the vigor that it would have displayed if others were on trial; and that is an additional reason why the defendant should not be allowed to go on with his defence as against the others named and not named. The particular acts committed by co-conspirators cannot be explained away except by parties authorized to appear for them, and when they themselves are on trial.

Mr. BAKER. I have no desire to follow the government in its investigation after the truth touching other conspirators, and I would most willingly have the judge advocate put on record, so that this court may take cognizance of it, that testimony affecting others who are charged as conspirators, and not affecting

Captain Wirz, shall not be taken into consideration, as against him. If he will do that, I will willingly refrain from pursuing the inquiry as to General Cobb and others; but if not, I claim that I have a right, in defending Captain Wirz, to show that the acts alleged against others, and in which he is sought to be involved, were not committed.

After further discussion the court was cleared for deliberation; and on the doors being reopened, it was announced that the judge advocate withdrew the question.

Q. Did you hear General Cobb in his speech at Andersonville make use of such language as this——

(The judge advocate objected to the question being put in that form. The witness should be asked to state what General Cobb *had* said, not what he had *not* said.

After deliberation the objection was sustained.)

Q. What language did you hear General Cobb make use of in March, 1865, there?

A. He made a speech there some time this year; I cannot speak positively as to the date; it was probably about that time; but I cannot say with any degree of certainty what was said. I never expected to be called on the stand as a witness. I think General Cobb came there and made a speech more for the troops than anything else. There had been a great many desertions among the confederate troops. General Sherman had passed through the State, and the homes of many of the men had been destroyed. The men made applications for furloughs, which were not granted, and a great many deserted. There was a good deal of dissatisfaction at camp, and General Cobb came at the solicitation of Captain Dyke, Colonel Gibbs, and some other officers, and made a speech for several minutes, at a place called the brick-yard, arranged for the purpose. He spoke to the officers and men, and tried to interest them to do their duty. I do not recollect any particular points of his speech.

Q. Did he or did he not use this language?——

The JUDGE ADVOCATE requested Mr. Baker to write his question before putting it to witness.

Mr. BAKER. The question I desire to put to the witness is this: whether or not General Cobb said in that speech——

The JUDGE ADVOCATE, (to the witness.) Colonel Fannin, will you please step out of the room for a moment?

The witness left the room, and the doors were closed.

The JUDGE ADVOCATE. Now, Mr. Baker, you may state your question.

Mr. BAKER. I will not ask a question till my witness returns. A witness was never turned out before. It is a personal insult to me.

The JUDGE ADVOCATE. It is not unusual when counsel persists in asking a question that is in its nature leading, and when he declines to put the question in writing, to exclude the witness from the court. It is no unusual procedure, and is no insult to the counsel or the witness.

Mr. BAKER. The government has had its witnesses here, day in and day out, has had them all together, and examined them in the presence of each other, and I never made any objection, nor asked for the exclusion of a witness. And yet, no sooner as we enter on our defence, we are told that we must reduce our questions to writing, when the court and the judge advocate know that we have no time to do so, and one of our witnesses is excluded when he is asked a fair and proper question. I cannot reduce my questions to writing. I told the court so last week; and if I am compelled to do it I must leave the case.

The PRESIDENT, (to Mr. Baker.) I think you are taking rather an unfair advantage of this proceeding. The judge advocate does not ask you to put your questions in writing.

Mr. BAKER. But he sends my witness out because I do not do so.

The PRESIDENT. Allow me to proceed. It would not be possible to get through the case in that way. He has asked you, however, to put in writing this question, as he had a right to anticipate that it was going to be suggestive to the witness.

Mr. BAKER. Well, sir, I cannot proceed under any such rule.

The PRESIDENT. It may be that your associate counsel can.

Mr. BAKER. I am willing to abide by any fair rule that the court may prescribe for both sides of the case; but it is not right to hamper me in this way, when I am hampered in so many other ways. I am sorry to think—but I must think so—that it is personal to myself.

The PRESIDENT. Your object I think is to excite some sympathy on your behalf, Mr. Baker, as well out of court as in court. If you state what you wish decided, the court will decide upon it.

Mr. BAKER. I want my witness to take his place on the stand, as he should. That is all I ask. Everything was done for the government——

The JUDGE ADVOCATE. If you did not do your duty, I am not going to fail to do mine.

Mr. BAKER. The judge advocate knows that I strive to avoid all unpleasantness.

The PRESIDENT. I desire to understand what you want.

Mr. BAKER. I was going to reply to the judge advocate——

The PRESIDENT. We do not want any speeches. We will settle that point immediately. Let the room be cleared.

The court was cleared for deliberation, and after the doors were reopened, the decision of the court was announced by the president as follows:

I desire to call the attention of counsel to a passage of "De Hart's Military Law," applicable to this point:

> It sometimes happens that a question when propounded by one of the parties or a member of the court appears too objectionable to be read in the hearing of a witness; in such case it is manifestly the duty of the judge advocate to ask to have the court cleared before it is announced, and then state the objections to it. This is a means of preventing a witness from being instructed or led in the course of his evidence by improper questions, though they are not permitted to be answered.

In this case, in order to save the trouble and confusion of clearing the room, the judge advocate directed the witness to retire, instead of having the room cleared as he might have done.

In reference to another point, we will settle it here. The judge advocate, when he anticipates a question of a leading character, or one likely to instruct a witness, has a right to require the question to be reduced to writing and submitted to him. He has also, at the same time, a right either to have the room cleared, or to ask the witness to retire, so that the question may be considered by the court.

Mr. BAKER. I have no objection to that rule.

The PRESIDENT. Very well, sir; that settles this point.

Mr. BAKER. I know all these rules very well, but what I do object to is that my witness should be in that way sent from the stand.

The PRESIDENT. Whenever the judge advocate sees fit and proper to do so, he may direct a witness to retire, or when he deems it necessary in the proper discharge of his duty, he may require that the question shall be reduced to writing and submitted to him.

Mr. BAKER. Before he sends my witness from the stand, he must first hear my question, or give me some notice.

The PRESIDENT. He is not required to give any notice or to hear your question. If you propound your question orally the mischief would be done.

Mr. BAKER. He might suggest to me as a gentleman that he wished me to stop, and wished the witness to retire.

The PRESIDENT. If there be any objection to the mode of getting the witness out of the room, that is for the court. The court will take care of its own honor and dignity.

Mr. BAKER. As to that, I have nothing to say, but I do object.

The PRESIDENT. The question is settled, sir.

The JUDGE ADVOCATE. I have a distinct recollection of asking the counsel to reduce his question to writing, and when he declined to do so, and persisted in putting it orally, I said to the witness—"Colonel Fanning, will you please step out?"

The PRESIDENT. It is not material what form of expression was used.

The JUDGE ADVOCATE. There was an imputation made by the counsel that I had not acted gentlemanly.

Mr. BAKER. I only ask you to treat me with the same courtesy as I do you.

The JUDGE ADVOCATE. Have I not done so?

Mr. BAKER. I do not feel that you have; I know your heart is good enough, but——

The PRESIDENT. Gentlemen, you must settle that in another way.

Mr. BAKER. As the matter is settled I will waive the question altogether.

The PRESIDENT. The court has not decided the question. If you wish to ask it you must reduce it to writing as has been indicated.

Mr. BAKER. I will waive it.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

Cross-examined by the JUDGE ADVOCATE:

Captain Wirz had control of the guards after they were turned over to him, until a new guard was furnished to take their place. I do not know whether he ever inflicted punishment on them or not. He could arrest them, I suppose, if they did not do their duty, and I understood he did arrest some and prefer charges. He was recognized as a captain in the rebel army. I saw that he signed himself as assistant adjutant general, and gave transportation, but not until this year. He was a staff officer of General Winder's.

Q. Could he not exercise the same power as General Winder, by reason of his being a staff officer; and did he not so issue transportation?

A. He did issue transportation on the railroad from Andersonville to other points. I obtained a furlough from him once; I said he could not give a furough to a soldier unless when he was in command of the post. Then it was necessary for him to approve a furlough. He did approve a furlough for me when he was in command of the post. I presume he gave other furloughs when he was in command of the post; I never saw it; I understood that General Winder was in supreme command while there.

Q. Do you not suppose that Captain Wirz as a staff officer could have issued those orders which you say he could not issue?

Objected to and question withdrawn.

I knew Captain Wirz had command of the prison; I was not a familiar associate of Captain Wirz; I did not see him every day. He was not an associate of mine. His business and place of business were entirely different from mine.

Q. Did not the officers shun him, regarding him as a man not fit for their association?

Objected to, and modified so as to apply only to witness.

I did not associate a great deal with Captain Wirz. Our business was different; I had other friends at the post. I had plenty to associate with; I did not select him while there as an associate. I was in the stockade three times, I think, while I was on duty there. I was in the stockade I think in June, 1864, when Colonel Persons was in command, and I think the other time I was there was in 1865, when Colonel Gibbs was in command. The only time I was

in the stockade in 1864, was once in June, I think; I was not familiar enough in Captain Wirz's headquarters to know all that was going on there. My business was elsewhere. Part of the time my office was half a mile from his, and part of the time it was not more than two or three hundred yards, but all this year my office was away from his nearly half a mile; I cannot say that I knew what was doing in them. I have never known an application for a furlough on the grounds of a soldier having shot a Yankee prisoner. So far as I am concerned, I do not know that any application was ever made to me on that score. I would not influence a man to shoot prisoners unnecessarily. I certainly would not hold out that inducement.

Q. Then you would not very likely have found it embodied in the application as one of the reasons why a furlough should be granted?

A. So far as that is concerned, I do not think a man would state that in his application.

Q. From what you know of General Winder's power there, and of Captain Wirz's influence as staff officer, would not his or their approval have secured a furlough for any soldier?

A. General Winder's certainly would; there is no doubt of that.

By the COURT:

The guards for the stockade were not taken exclusively from my regiment, they came from the different regiments. The regiments were called upon every day, in proportion to their number. If furloughs were granted to men other than those belonging to my regiment, I would not of necessity know anything about them, unless I was in command of the brigade. The prisoner had no authority to grant furloughs unless when he was commandant of the post. I know that Captain Wirz did command the post for a little while, and during that time he approved a furlough for me. When I reported first at the post, Colonel Persons was absent. Captain Wirz was there and told me that he had instructions for me, and that he was looking for me at the time. He had been notified that my regiment was coming; I reported to him at night. The next day Colonel Persons came. He was lieutenant colonel of the 55th Georgia regiment. I told him that I ranked him; he said, "Yes, but that makes no difference; I have an order from the secretary of war placing me in authority here, and I am to command even those of higher rank than myself who may be stationed here in command of troops. General Winder made the same statement. I never saw the order which Colonel Persons had; I know that it made a difficulty between him and Colonel O'Neil, who had been there before me. Colonel O'Neil had claimed that he had a right, being superior in rank, to take command of the post. I really do not know how that authority to take command of the post passed to the prisoners, whether it was in writing or verbally. I know that I never troubled him on that score. I was in command of the troops. The troops were all the garrison at the post I do not know by what authority the prisoner assumed command of the post during the absence of General Winder, but I know the fact that he was recognized by General Winder. I really do not know that it was by virtue of being a staff officer and acting in his name. There were men called sergeants under the command of the prisoner, permanently attached to the prison. Most of them may have been privates. They belonged to the 55th regiment. They belonged to a regiment then at the post. I think that in October last the regiment was sent away from the post to Florence, South Carolina.

We had not a field officer of the day for some time. We generally had a captain of the guard. A portion of the time we did have a field officer of the day, and he did report to Captain Wirz for orders. That only existed for a short time because of the heavy duty. The system of field officers was established under the orders of General Winder. He was appointed commissary

general to command all the prisons east of the Mississippi river, and he made the order that field officers of the day should report to Captain Wirz. The field officer reported to him always as commandant of the prison for instructions, thinking that he was responsible for the keeping of the prison. When Captain Wirz approved a furlough for me he did not sign it by order of any other officer. He signed it "H. Wirz, Commanding Post." When I was at Andersonville, Captain Wirz never applied to me as his superior officer for any official favor, indulgence, or service.

By COUNSEL:

I commanded four or five regiments at Andersonville; I was called both ways—commandant of the troops, and commandant of the brigade.

I really do not know how many days Captain Wirz acted as commandant of the post. He approved my furlough and I went off, and when I came back General Winder was in command of the post.

(See shooting of prisoners by the guards.)

CONDITION OF THE WATER.

By the JUDGE ADVOCATE:

One of the reasons why my regiment was removed from its first encampment was because of the offensive stench arising from the prison. At that time my camp was located west of the south gate of the stockade, the one nearest Captain Wirz's headquarters. The drainage of the camp passed into the stream that led into the stockade. When we were located there the water flowing on that side of the hill would run down towards the branch.

ACTS OF CRUELTY COMMITTED BY WIRZ.

I never knew Captain Wirz to commit any act of cruelty towards prisoners of war of my own personal knowledge. I never saw it. I have been near the post when prisoners arrived and were being carried off. Some of them would get out of place when standing in ranks, and I have heard Captain Wirz curse men for being out of their places and say that he would shoot them if they did not get into line. I have seen him draw a pistol on the men. He was a profane man. I have heard him swear and curse a good deal. A great many men in his office seemed to be getting on with him very well. I have heard him talk sociably with them, and I have heard him swear and curse them sometimes. I did not say that I never heard of any act of cruelty on his part. That was not what I intended to say. I have heard a good deal sworn against him on the stand here, and when at Andersonville I heard of men being in the stocks, and I have seen them in the stocks. I have seen men in the chain-gang.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I did not know of the sufferings that have been depicted here, as having occurred in the stockade. I noticed things in the stockade. I have been in the stockade. I have seen some men sick lying in their quarters there. I have seen a great many men pretty badly smoked out, and I have seen some with very little clothing. I never said that I thought that camp a pleasant place. There was a great deal of suffering in that stockade.

THE DIFFICULTY OF PROCURING TOOLS, AXES, ETC.

When I said Captain Wirz never had any tools to work with, I spoke in reference to some tools that belonged to farmers there which I understood he tried to retain. I have seen tools brought out of the stockade. One evening when I was standing near the stockade gate or riding past I saw tools brought out from the stockade, and I spoke to an officer about it. He said they had been

sent in for digging wells, and were brought out at night. Tha twas my impression. I recollect when the stockade was increased. I think they were working at it longer than three weeks; I do not know exactly. I cannot say whether there were plenty of tools at that time; I never had anything to do with them.

By the COURT:

When my regiment first went there it occupied the quarters of the twenty-sixth Alabama, I think. There were forks placed in the ground and boards from the pine timber were placed on them and covered. My regiment went into those quarters. Some of the houses which the fifty-fifth regiment had were sold and removed, and I had to put up tents for a large portion of my men. We had no floors to our tents. When we removed to other quarters we had to build barracks there. We had some tents. We cut down timber for the materials for our barracks. We cut it down with our own men. I made application for tools and could not get them.

Q. Had you not tools enough to make quarters at that time?

A. I furloughed some men at one time on that ground. I asked that a furlough should be granted for men to go home and bring their tools. Some of the men lived in the neighborhood, and they went and brought tools for that purpose.

THE SUPPLY OF WOOD.

By the JUDGE ADVOCATE:

If I had had transportation I should have made every effort in my power to have supplied the prisoners inside with fuel. I should have made an effort to supply the prisoners with fuel to cook their food. There was wood corded up near the cook-house for some time; at the same time wood was being carried in by federal soldiers under a wood guard. I did not know of their having really suffered for want of wood.

By the COURT:

The rations were uncooked for the troops. My men were never compelled to eat them uncooked at the post. I mean by that, they had fuel enough to cook the rations. They would go into the woods and cut the fuel down and carry it into camp. It was a little troublesome to get it. For some time the men had to carry it on their shoulders to the place where they were at first, but when we moved we went to where the woods were. The wood guard of one hundred and twenty-five men after their return had an opportunity of sleeping that night. We always tried to select the wood guard, so that the men would be relieved from duty as soon as they came back. We had no system of drills in the afternoon at that time. When we furnished these guards we could not do it. I really do not know how many prisoners were permitted to go out for wood in charge of the one hundred and twenty-five men. They were sent under a commissioned officer to report to Captain Wirz. I really do not know how many unarmed men one hundred and twenty-five armed men would be capable of guarding in the woods. I know the men used to report very frequently that some of the prisoners got away. I always recognized their right to do that. It would be only a guess on my part as to how many prisoners they could have guarded. It would be dangerous to have sent out many with them, as the guards were new, raw, and undisciplined troops.

THE RATIONS.

The commissary sergeant made the requisition for rations for my regiment; it was brought to the commandant of the regiment, approved by him, then brought to the commandant of the troops, and examined and approved by him, and then brought to the commandant of the post. The commissary sergeant was not re-

sponsible for them. He made out the requisitions. To save trouble we generally sent over and inquired what they had at the commissary department, and what we would get. The commissary sergeant was supposed to know the different articles that he could draw when he made requisition. It was approved and he only drew such articles as they had at the post. It was the duty of the commander of the regiment to see that the requisition was correct before he approved it—that is, that it called for the proper number of rations. I really do not know who established the rations for the troops. I tried to have the ration increased at the commissary department, and I spoke to my commissary sergeant very often about it, but he said it was all that we could get. I really cannot tell the quantity of rations per man or what it was. I did understand that the ration was changed. I know that we drew only meal and meat, and sometimes salt pork. I really cannot recollect how much meat we did draw per man while I was there. I cannot tell the number of ounces it takes to sustain a man in good fighting order. I know there was a good deal of grumbling about it in camp. As for myself, I used to get provisions from home.

REMARKS RELATIVE TO MR. SCHADE PASSING LETTERS BEWEEN CAPTAIN WIRZ AND MRS. WIRZ.

The JUDGE ADVOCATE. As I was directed yesterday by the court to confer with the keeper of the Old Capitol prison with regard to the statement made by the counsel, (Mr. Schade,) I suppose it is proper to read the report which I have received from Captain Weist. That letter is as follows :

OLD CAPITOL PRISON,
Washington, D. C., September 27, 1865.

SIR : In reply to your communication dated the 26th instant, in which you state the counsul for Wirz stated to-day, in defence for his giving money, &c., to the prisoner to procure something to eat, " that he could not get at the Old Capitol those things he needed, intimating that he is not well cared for by you, (me,") and requesting me to report just what treatment he receives, I have the honor to inform you that Captain Wirz is treated in every respect as leniently as is consistent with his position and compatible with my duties. He is furnished with a cot and bedding, such as are used in the United States medical department, furnished with a mosquito bar. If he choses to eat the prison fare he is furnished with the same ration allowed soldiers of the United States army, with the addition four times per week of the principal fresh vegetables in the market. If unwell, he is supplied with such diet as may be prescribed by the surgeon of the prison, which is procured from the prison fund.

He is also permitted to procure such edibles as he may be able to purchase. He is also allowed any books that can be procured. The only restraint to which he is subjected is that placed upon his liberty, and such precautions as will preclude his committing any injury to himself. I think if Captain Wirz is interrogated, he will corroborate this statement.

Very respectfully, your obedient servant,

GEORGE WEIST,
Captain and Military Superintendent, O. C. P.

Colonel CHIPMAN,
Judge Advocate, Military Commission for trial of Wirz.

The JUDGE ADVOCATE continued :

I desire at the same time to read to the court the intercepted letter that was sent by Mr. Schade yesterday to Mrs. Wirz. It reads thus :

OLD CAPITOL PRISON,
September 26, 1865.

MY DEAREST WIFE : I have been hoping to see you on Sunday, and also yesterday. God only knows how I wish to see you.

Lize, I have one thing to ask of you, and do it immediately, if you can.

Send Mr. Schade $10. It is for a certain purpose.

I send you an envelope directed to him. Just put the money in ; you need not to write. All that it requires is to put a post stamp on it, and send it off.

I am somewhat better. I hope to see you to-morrow.

Yours,

H. WIRZ.

The direction is as follows: "Mrs. H. Wirz, No. 250 F street, between 13th and 14th street, Washington, D. C."

Enclosed is an envelope directed, "Louis Schade, esq., 499 7th street, opposite Odd Fellow's Hall, Washington, D. C."

The JUDGE ADVOCATE continued:

I think this letter needs no comment; but I desire to state further, by request of the bailiff of this court, whose conduct seems to have been impugned a little yesterday by the remarks of counsel, that the letter given to him by Mr. Schade for delivery was first submitted to me, the bailiff not attempting to carry out the purpose of the counsel improperly. That letter, which I opened, contained a direction of the prisoner to have his request carried out through Mr. Schade, stating that during court the money could be handed him. It was in consequence of that letter that the lieutenant in charge of the prisoner was instructed to observe what passed between the counsel and the prisoner, and thus noticed the money given and the note handed at the time spoken of yesterday. I believe I have now stated everything connected with this affair.

Mr. SCHADE. I stated yesterday that I did not know anything at all about the contents of those letters. I recollect that I have received two letters from the prisoner to be sent to his wife, one last Saturday, and one yesterday. The one of last Saturday I gave to the bailiff of the court; the one of yesterday was afterwards presented by me to the judge advocate. I must, however, state that I never received any answer from Mrs. Wirz; in fact, I have seen her only three or four times, and then in this building.

With the permission of the court I will state the purpose which the prisoner had in view in asking his wife to give him ten dollars. As I remarked yesterday, I have several times given the prisoner money, that he might buy some extra food. Last Saturday week I gave him five dollars, and last Saturday, at his request, I again gave him five dollars. From a certain feeling of delicacy on his part, he has been urging his wife to repay me those ten dollars, as he had learned that she had received a few dollars. I did not know anything about it, and I never would have asked him to return me that money. I did not know anything about the contents of those letters.

The court was then cleared for deliberation; and when the doors were reopened, the president (addressing Mr. Schade) said:

We desire you to understand that this action on your part is fully appreciated by every member of the court; but considering the stage of the trial, and fearing that any further action in the matter by the court might be detrimental to the interests of the prisoner, it has been concluded to let the matter drop. We are also of opinion that you are now sufficiently warned.

THE DEFICIENCY OF TRANSPORTATION.

SEPTEMBER 27, 1865.

JOHN F. HEATH, recalled for the defence:

I was at Andersonville, May, 1864, as first lieutenant company E, 3d regiment Georgia reserves. Wagons and horses were very scarce at Andersonville. There were four regiments there, I think, when we got there, and they had either four or five wagons for the use of those four regiments. I saw no corral there, except a small horse lot. A few mules and horses were in this horse lot. All the horses that I ever saw were used daily; there might have been some officers' horses in the lot.

THE RATIONS.

We received in my regiment a pound and a quarter of meal, very coarse at that generally. Once in a while a third of a pound of bacon. At other times a pound of beef, and that very poor, and when we did not get bacon or beef, we

got a little sorghum, a kind of molasses made out of Chinese cane. I have been at the commissary often on drawing days, and have seen them drawing rations for the stockade out of the same lot that I drew from for my regiment, but to the quantity I could not say. I had to send home for provisions to live on and to buy what I could through the country.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I know that some time during the summer of 1864 Captain Wirz was sick, at least it was so reported. I did not see him; he was expected to die. I saw him after he got up, and he looked very bad. I could not tell what season or time of the year it was. I cannot tell how long he was sick, I think two or three weeks; I cannot tell exactly what time it was.

THE GARRISON AT ANDERSONVILLE.

The guard force at Andersonville was composed of boys from fifteen to eighteen, and men from forty-five to fifty; at least that was the intention. They were not under very good discipline—they were not well drilled. The men would go off and stay for two or three days at a time, and when they came back very little notice would be taken of it. A man would, perhaps, be made to stand upon a box for an hour or so, and then turned loose. They did pretty much as they pleased, going backwards and forwards. It was not like it was in Virginia; I should not call it discipline at all, myself.

THE NUMBER OF GRIST MILLS NEAR ANDERSONVILLE.

There were two grist mills from Macon to Andersonville—two water-mills. I only know of those two mills between Macon and Andersonville. They were common water-mills. I could not say how much they would grind per day, but they were just common country mills, such as we have in our country.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I never saw but one lot of prisoners searched there, and they were Stoneman's men. That was the only lot of prisoners I ever saw searched.

Q. Was there any particular reason for searching them?

A. The reason that I heard——

Q. (By the JUDGE ADVOCATE.) Did you hear it in an official way?

A. I did not.

Q. (By the JUDGE ADVOCATE.) It was simply hearsay?

A. Yes, sir.

By COUNSEL:

Q. Where did you get your information?

A. Well, I could not say; I was at my quarters.

Q. Was it a notorious fact, or otherwise?

A. It was generally believed that the reason they were searched was——

The judge advocate objected.

I cannot say that the reason for searching them was notorious in camp; I heard nothing of it in my camp. When the prisoners came in I was at my quarters. I went down and they were searching the prisoners, and I stepped up to some officers there and asked them what they were searching the prisoners for.

The JUDGE ADVOCATE. You need not state, what they said.

I do not know whether they were searched in consequence of any order or

not. Captain Wirz was there and a man named Reed, who was acting as provost marshal, and several officers of my regiment, and of other regiments, were standing around there to see the prisoners. I asked what it meant, of some of the officers, and they observed——

The judge advocate objected to the witness stating what he had been told, and the objection was sustained.

It was not generally known that there were orders from Richmond to search Stoneman's raiders. I could not say that it was generally known that there were orders from anywhere else to that effect. I do not know of any orders further than I started to tell you. I do not know that I ever heard of orders. I do not know anything about Captain Wirz attempting to prosecute men who were depriving prisoners of what belonged to them.

Q. Did you ever know of his making any attempt to do that?—of his having charges preferred against them?

WITNESS. Against confederate soldiers?

COUNSEL. Against prisoners outside who were depriving prisoners inside of what belonged to them.

A. No, sir; I did not.

Q. Did you ever hear or know of any desire on the part of Captain Wirz to prosecute or punish those who had deprived our prisoners of what belonged to them?

A. No, sir; I never did. What do you mean by "our prisoners?"

COUNSEL. I mean Union prisoners.

A. Yes, I have seen Captain Wirz take provisions from Union prisoners. The guards would bring up some federal prisoners who had been buying little things, and he has taken it from them and divided it with the guard, and kept the other half himself. I do not know what he did with it. He took it from federal prisoners. I do not know what he did with it. I never heard of Captain Wirz punishing or attempting to punish prisoners outside for depriving prisoners inside of what belonged to them.

THE DOGS.

I know nothing about Turner being detailed with his dogs.

THE CHARGES OF MURDER AGAINST WIRZ.

I never knew or heard of Captain Wirz shooting or beating a man with his pistol, or kicking him to death, until I came here. I heard on the road, as I came here, of his shooting a man, but I never heard of any such thing at Andersonville. I never heard of Captain Wirz killing a prisoner in any way. Captain Wirz rode awhile on a gray horse. I do not recollect that I ever saw Captain Wirz have any but a white or gray horse. It was a fact that the white horse was as notable as Captain Wirz himself.

THE DEFICIENCY OF TRANSPORTATION.

Cross-examined by the JUDGE ADVOCATE:

Q. You spoke of there being four or five wagons for the use of the regiment; you do not speak in that connection of the post transportation, do you?

A. No, sir.

The corral was merely a small lot; I do not suppose there was more than half an acre in it. It was not a regimental corral. Those wagons were afterwards taken from the regiments and turned over to the post.

THE RATIONS.

I suppose there were some of my comrades who did not send home for provisions—who lived on the rations they got, though, in fact, most of them got

rovisions from home, sent to them from time to time. I could not tell how ong I have lived on the rations without having other provisions; I generally ot what I could. I did not feel disposed to live on the rations. I do not pre- end to say that I would have starved to death on them, but it was a very small ation.

HE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I could not say how long or when Captain Wirz was sick; what I know is rom report, and not from having seen him.

THE GARRISON AT ANDERSONVILLE.

The men of my regiment would go off and be gone two or three days, and hen they came back or were brought back they were never done anything ith. They never tried to get furloughs.

THE NUMBER OF GRIST MILLS NEAR ANDERSONVILLE.

I know of two mills between Macon and Andersonville. Those are the only wo mills on the railroad. I know they are the only two mills between Macon nd Andersonville on the railroad; that is, in sight of it. I do not speak of hat may be distant half a mile or so; I speak only of those right on the rail- oad.

MEDICAL TESTIMONY.

SEPTEMBER 27, 1865.

Dr. F. G. CASTLEN, recalled for the defence:

I was in 1864 surgeon of the 3d Georgia reserves, and was at Andersonville rom May till the last of September.

THE RATIONS.

The rations which we had for our own men were inferior, very inferior. Some- imes we got bacon, then again a coarse kind of beef, but in small quantities. The sick sent home for rations; they sometimes would write to their friends. n regard to the regular rations there was a good deal of complaint in the reg- ment. I heard a good deal of complaint that the rations were not sufficient. The men of my regiment, and particularly the sick, suffered a great deal from vant of rations, and the poor quality of the rations. I could get no diet there uitable for a sick person. There was a good deal of sickness during the month of June in my regiment. I speak for my own regiment alone. The meat was of that inferior quality that it was an unhealthy diet the way they had to cook t. They had no means of cooking it except by boiling it. The meat would produce diarrhœa. I had a great deal of diarrhœa in my regiment. Diarrhœa was one of the principal diseases with which the men of my regiment suffered. I had no scurvy in my regiment.

SHOOTING OF PRISONERS BY THE GUARDS.

I never knew or heard anything about furloughs being granted to any of our men for shooting Union soldiers.

VACCINATION.

I know that a surgeon, Dr. Cumming, came round to the different regiments there and vaccinated. I suppose that he came under orders from the surgeon general; I so understood it. I was not consulted in the matter. He came round without my knowledge; in fact I found out he was vaccinating by some

of the men coming me and telling me that such a thing was being done. I think there were imperative orders that that should be done generally; in fact I know it was. When I was in the conscript department, I received orders positively that I should vaccinate all recruits before sending them to the army. I do not know whether any officer there could in any way evade or disobey those orders without subjecting himself to discipline. I have disobeyed the order.

THE DEFICIENCY OF CLOTHING FOR THE CONFEDERATE TROOPS.

The clothing of our troops was very inferior. The hats, I think, were worthless—of no account at all. I could not consider it a uniform by any means; it was very inferior clothing, and very ragged at times. It was a very difficult matter to get shoes; in fact, two-thirds of my regiment, I think, were destitute of shoes. There was a great deal of suffering there among the confederate soldiers and officers on account of the want of clothing; we could not get any clothing; at least we did not get it. I judged from what I saw, that the clothing they had there was very inferior. The officers generally furnished their own clothing—those that had the means to do it.

TREATMENT OF THE SICK.

I had to transport my sick to the hospital on litters; we could not get an ambulance to carry them; I never got an ambulance; I understood that there was an ambulance there, but I never made requisition for it; in fact, I heard that I could not get it for that purpose. I don't know what that ambulance was used for. I never heard of a corral there and never saw one. I could get no hospital tents for our own hospitals; I made requisition for them, but they could not be furnished me, I understood. Our men suffered a great deal during the month of June. I had to crowd my sick into tents with the well. I afterwards found that would not do, and as there was a small shelter some thirty or forty yards from my camp, that had been used to preach under, I moved my sick under that for a month or so until the hospital could be completed, and then had them transferred to the hospital. We could not get any hospital clothing; at least I did not get any. I had no bunks at all for my men; I merely had boards on the ground; we had sacks for mattresses, which I would fill with pine straw. The straw would stick through and keep the patients constantly irritated so that they could hardly sleep. It was like pins sticking in them. It rendered them uneasy—not comfortable, by any means; it was the best I could do, though. Those sacks were filled with common pine straw, the tops of pine trees—pine boughs.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

The land about Andersonville is of a very inferior quality—a pine country—sandy. I would not think it suitable land for cotton. It would take five or six acres to raise a bale of cotton. I would hardly cultivate the land for that crop.

CONDITION OF THE WATER.

My regiment never did, to my knowledge, corrupt the stream above the stockade—the stream running into the stockade; I never heard of their doing it.

TUNNELLING OUT.

We received rumors frequently in the camp that the prisoners were going to break out, and it created a great deal of consternation in the regiment. I remember that there was a long roll beat, and I saw the regiments march down to the stockade. I saw it four or five times.

THE CHARGES OF MURDER AGAINST WIRZ.

I saw Captain Wirz's horse two or three times. I never saw him have a orrel horse. I never saw Captain Wirz with any kind of horse but a gray orse. I never knew or heard of Captain Wirz shooting or beating a man with revolver, or in any way maltreating a man so as to kill him; if such a thing ad been done I should not have heard it except from rumors in the camp; I ight have heard of it in that way. I was at Andersonville from May, 1864, ill the last of September.

THE RATIONS.

Cross-examined by the JUDGE ADVOCATE:

We were not very much crowded in our regiment, not crowded enough to roduce scurvy. The men had an opportunity of getting things from home to revent it. There was no difficulty in that respect at all, and they got things from ome. In speaking of the deficiency of food, I was speaking of the rations issued by he government. In my answer with regard to men sending home for things. did not mean to confine it to the sick; any man in the regiment could send ome and get things. It was a common thing for them to receive boxes.

Q. Were there any men in your regiment who subsisted upon the confederate ation there?

A. I don't know whether they received them wholly or not from the commissary department. It would be impossible for me to find out that, unless I vent through the regiment inquiring. I know of no cases of starvation among he confederate soldiers, nor any cases of emaciation or wasting away.

TREATMENT OF THE SICK.

Q. You stated that your sick were compelled to sleep upon sacks filled with ine-tops, and that they were like pins; explain that.

A. It was the end of the pine-tops, sticking through the mattresses, that aused that. I was only speaking then of men whom I had under the shanty hat I fixed myself. I thought sleeping on those pine-tops preferable to sleeping upon the damp ground. I don't suppose that sleeping on the damp ground would be as bad as sleeping on pins. When I said that sleeping on those sacks illed with pine straw was like sleeping on pins, I spoke metaphorically. I don't know when our hospital was built. It was a shed which I found there when I vent there. It was nothing more than a shed—not weather-boarded at all on he sides to protect it. Some of the regiments, I think, had their sick carried o the hospital in an ambulance, but when I tried, I could not get the ambulance. Sometimes it was necessary that I should have it. I got along with litters. We had no scarcity of litters at all.

By the COURT:

I cannot tell the percentage of deaths in my regiment, because the most of ny men, when sick, were sent to the hospital and I received reports of them fterwards. I do not know how many of my regiment died. A great many of hose who were sent to the hospital returned to the regiment, and a good nany, I understood, died; but I never was notified officially of their death. I ttributed the sickness in June to camp disease. The men were not acclimated o camp life. They were young men between seventeen and eighteen, and men etween forty-five and fifty. I think the weather was somewhat unpropitious n that month. I think we had a good deal of rain during the month of June—either June or July, I don't remember which. I had measles in my regiment as well as diarrhœa.

VACCINATION.

By the JUDGE ADVOCATE:

I declined to obey the orders to vaccinate my soldiers, because of the request of the soldiers not to be vaccinated. It is not always customary for surgeons who have the sanitary condition of camps in their charge to do as the soldiers want. It was optional with me whether I obeyed the wishes of the soldiers in that case or not. I had that risk to run.

By COUNSEL:

I heard, when in the army of North Carolina, a good deal of complaint of impure virus being put into the arms. Some men, I understood, lost their arms. I did not see anything of it; I only got this from conversation with officers.

By the COURT:

None of the men in my regiment, who were vaccinated, had sore arms. I don't know how many were vaccinated. I attributed the difference between those who suffered from vaccination and those who did not, to the impure virus. I do not know where Dr. Cummings obtained the virus which he used. He vaccinated without my knowledge. I simply heard that he was there vaccinating. I had no cases of vaccination in my regiment that proved fatal, and none in which men lost their arms. The usual sores resulted in all cases.

By the JUDGE ADVOCATE:

My remarks in reply to the counsel as to bad effects from vaccination referred to my experience elsewhere than at Andersonville.

THE SUPPLY OF WOOD.

I never heard of any of our soldiers freezing to death. None of them went hungry for want of fuel to cook their rations. We could get plenty of fuel from the woods near by—as much as we wanted.

THE DEFICIENCY OF CLOTHING FOR THE CONFEDERATE TROOPS.

I cannot say that any of our soldiers were totally destitute of clothing; they were in a very ragged condition.

By the COURT:

My regiment was raised in May, 1864, and went immediately to Andersonville. The men had no uniforms except those furnished them at home, and, being there a length of time, those were worn out. If they had other clothing they did not wear it at Andersonville. They did not have the confederate clothing.

By the JUDGE ADVOCATE:

They were reserves.

By the COURT:

They got their clothing at home. They furnished it themselves. I had most sickness in my regiment in the month of June. The men were poorly clad then; their clothing had been worn considerably.

THE CHARGES OF MURDER AGAINST WIRZ.

By the JUDGE ADVOCATE:

My duties did not require me to visit Captain Wirz very frequently. I don't think I visited Captain Wirz while I was there. My duties did not require me to visit the stockade or prison. I know no more about the stockade or Captain Wirz than what I stated in my evidence when I was first on the stand.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

By the COURT:

When I spoke about the quality of the land at Andersonville, I meant the land immediately around that place. I never was anywhere in that country but around there. I do not speak of any other place than just around Andersonville. I suppose the Flint river is from ten to twelve miles from Andersonville. I do not know anything as to the character of the land between the Flint river and the Chattahoochee, or what is known as the Creek country. I do not know how much cotton is raised in that country. According to my own judgment, I should think the land too poor to raise almost anything around Andersonville; it is nothing more than a sand bed.

THE ORDERS UNDER WHICH WIRZ ACTED.

SEPTEMBER 28, 1866.

A. W. PARSONS, recalled for the defence:

I was sent to Andersonville in February, 1864. I was first sent there by General Winder, and soon after I got there I received another order from the secretary of war, and it strikes me another order from General Winder—three different orders. When I arrived at Andersonville, I reported to Captain Winder—Sid Winder. I did not immediately succeed him; it was some time afterwards. I think Captain Wirz reached Andersonville some time in the latter part of February, or in March. I think he took command immediately. He was interrupted, however, by the arrival of Major Griswold, who had an order to take command of the prison. That order collided with the one that Wirz had. The matter was put in abeyance. I think Captain Wirz retired for some ten or fifteen days till the difficulty was cleared up. Subsequently Major Griswold was ordered away and Captain Wirz took command of the prison. I think it was in March that Captain Wirz finally entered upon active duty—the last of March or the first of April.

Q. You have said that he took command when he first came; do you mean that he entered on his duties at all?

A. I think he went in the stockade.

Captain Wirz framed his local orders himself. All the general orders affecting the prison came from Richmond, from General Winder, through me.

Q. Do you know to whom his official communications were addressed and where they went?

A. That depended entirely upon the character of the communications. Some were sent to Richmond directly through the regular channel. I had an intermediate position and they went through me to Richmond to General Winder.

TREATMENT OF THE SICK.

The reason for removing the hospital outside was that the stockade was pretty densely crowded, and there was a good deal of sickness in it. The hospital necessarily occupied a good deal of room; they had tents and flies. Captain Wirz came to me and urged me to take the hospital out. I told him I had no authority to do anything of that sort. I addressed a communication, however, to General Winder, asking for permission to remove the hospital outside. My impression is, though I will not state positively, that it was declined by General Winder. Captain Wirz remonstrated, and I told him to remove the hospital—that I would take the responsibility. Shortly after it was moved out General Winder sent an order from Richmond giving us permission to do it. General Winder had had no official knowledge of the removal. Captain Wirz had just started to remove the hospital. I decided to do it after Captain Wirz

complained that they were so crowded that it operated to the disadvantage of the sick. There was no remonstrance about it, nor any censure cast upon me for it; not a word was said about it, I think, afterwards.

UPON WHOM THE RESPONSIBILITY FOR THE OVERCROWDING OF THE PRISON RESTS.

I know that Captain Wirz objected to the prison being overcrowded as it was We sent an objection to the authorities at Richmond, to General Winder, and urged him to hold up and not to ship any more there; but he paid no attention to it; they continued to come until we got about thirty-five or forty thousand. We commenced our protests at a time when we had got between ten and fifteen thousand. I know nothing about the erection of cook-house No. 1; it was in course of erection when I got there. I understood it was intended to cook for ten thousand. Prisoners were coming in very rapidly when I went away from Andersonville; every day or two, sometimes two trains a day, sometimes three, and then an interval, perhaps, of two or three days.

THE SUPPLY OF WOOD.

The guard force was constantly changing. When I first went there I carried with me a part of my command, I suppose to the number of seventy-five or one hundred men; perhaps not more than fifty men reported there with me, but others who were in hospital came in gradually. The force was gradually augmented until I suppose it reached nearly one thousand. I do not suppose they had over one thousand effective men when I left. It amounted to only about two or three hundred for a pretty considerable time; that was just before the reserve regiments came. I applied time and again for re-enforcements. I did not get them immediately when I applied for them; a long time elapsed before I got re-enforcements. I remember one thing, that requisitions were made on the commander of the troops so constantly and heavily that they were very near producing a revolt among the confederate troops. They were kept on guard duty frequently on consecutive days, in order to supply the prisoners with wood. There was a good deal of discontent and murmuring on their part. They complained that they were too heavily worked.

THE ENLARGEMENT OF THE STOCKADE.

When I saw that they did not intend holding up, but continued to ship more prisoners, and saw that the prison was overcrowded, I do not remember whether I made application first or not, but I remember going into the field myself with three or four competent assistants and superintending the work and adding about twelve or fifteen acres to the stockade. I applied for orders to do it, but I do not remember when they came. It strikes me they contemplated at that time a distribution of the prisoners and the erection of several other prisons, and after I had finished the extension, or perhaps after I had got it partly finished, I think the order came giving me permission to do it. I think I ran a risk in assuming this authority for the convenience of the prisoners. I do not think Captain Wirz had anything to do with these movements. He was perfectly willing that it should be done. I petitioned for authority to impress negroes to do this work. The authority was declined. It was at the time when the negroes were very much needed in the fields, and I think it was put upon that ground.

THE DOGS.

I certainly know that General Winder ordered dogs to be employed. I do not remember whether I told Captain Wirz, or served him with the order; I am safe in saying, however, that he had notice of the fact that that was General

Winder's order. I do not understand that the dogs were blood-hounds; they were the rabbit dogs that we use down there for running rabbits, and which are sometimes used for running negroes—a very ordinary pack of hounds. I never saw the pack of hounds that Turner had. There was a pack from the country of four or five, owned by a man named Harris; that is the one I have reference to. Harris's pack was not used at the same time Turner had his there. I never saw Turner or his dogs. These were dogs owned by a citizen out in the country. Citizens would frequently bring in prisoners without any orders from any one at the post; it was purely a voluntary matter on their part. I never knew of Captain Wirz being absent with the hounds hunting prisoners. I never knew him to be absent for that purpose.

TUNNELLING OUT.

I know nothing about the prisoners threatening to break out one dark night, except from hearsay.

Q. Tell us all you know on that subject.

(Objected to by the JUDGE ADVOCATE.)

Q. (Modified) was it or was it not a notorious fact?

Objected to by the JUDGE ADVOCATE and question withdrawn.

Q. Do you know the causes and circumstances which led to the establishment of the dead-line?

A. I heard that the prisoners on one or two occasions——

The JUDGE ADVOCATE objected to the witness stating what he had heard.

The question was repeated.

WITNESS. I know only from general hearsay evidence in the camps, that the prisoners had combined——

By the JUDGE ADVOCATE:

You do not know whether that was the cause that led to the establishment of the dead-line?

A. No, sir.

By the JUDGE ADVOCATE:

Was it generally understood that the prisoners were making attempts to escape?

A. Yes, it was generally understood.

The objection made by the judge advocate to the witness stating what he had heard was sustained.

By COUNSEL:

The troops were turned out by the officer commanding the troops. I do not remember that the troops were ever turned out. I only know from hearsay that they were turned out one night. I did not go out. They were all turned out under arms when a body of prisoners arrived, to carry them inside the stockade.

THE RATIONS.

Captain Wirz made his morning reports to me. I do not know of any exception to that rule when others were commanding the post. I do not know that Captain Wirz had to report to the commander of the post. He made his morning reports to me when I was in command. He also made reports weekly or bi-weekly to Richmond. Those reports went through the regular military channel, from the commander of the post. Captain Winder was quartermaster and Captain Armstrong was commissary part of the time under me. Before the commissary went there, Captain Winder, who was quartermaster, had under him a commissary clerk, and he issued the rations through him to the prisoners, I think, and after Captain Armstrong came there he issued them himself. They

issued them upon requisitions made—requisitions founded upon the morning reports. If there had been more rations issued than was proper, the officer who approved the requisitions would have the excess charged to him. He would be liable for the excess. Captain Wirz had no right to give any orders to the commissary; he and the commissary would confer together in making their estimates. I think the rule relative to issuing rations was issued from Richmond; I am not positive about it, but I think it was fixed by the commissary general, and the sub-commissaries throughout the territory were all bound by it. I sent an officer to Columbus to try and get material for making sifters for bolting meal, and my officer was informed that a thing of that kind could not be had in the confederacy. He did not get anything of the sort.

THE INEFFICIENCY OF THE QUARTERMASTER'S DEPARTMENT AT ANDERSONVILLE.

It was the duty of the quartermaster, Captain Winder, to furnish shelter, fuel' and such things for the prisoners. The quartermaster also had charge of the cooking of rations, the burying of the dead, and everything of that kind. The quartermaster at Andersonville did not have half the transportation he ought to have had. I have no idea of the number of wagons I saw there. I just know that what wagons he had there were kept going all the time, and then could not more than half satisfy the wants of the post. I have seen more than four or five wagons there. He got in some mules and wagons a short time before I left. For the first month he did not have more than four or five wagons, and they belonged to the citizens there. The cook-house was under the quartermaster's control. I do not know that I ever had any formal reports made to me for the want of shelter necessary for the prisoners. We frequently discussed the matter. I regretted that the place was so much embarassed as not to be able to furnish things that were necessary for the health of the prisoners. Captain Wirz expressed great displeasure at the meagreness of the accommodations furnished and the inefficiency of the quartermaster's department; he frequently so expressed himself to me. Captain Wirz's complaints covered everything in respect to fuel—about not having teams to draw wood. Two inspectors went to Andersonville while I was there, General Howell Cobb and Marcus J. Wright. It strikes me another officer went there during my absence. I never saw any good to follow from these inspections. I cannot say that I had anything to do in causing the inspections to be made. I have urged time and again that something should be done to remedy the evils and supply the wants of the post. I went myself and sent my staff-officers to try and get axes and such things. I sent Captain Wright to every prominent point in Georgia to get tents for the prisoners. He made requisitions on every quartermaster in Georgia and went to see himself, and he failed. I sent Captain Wright to Columbus to see if he could get some tools, and he came back with not one-tenth of what were needed. Soon afterward I, myself, went to Augusta to see if I could get them. I succeeded in getting some and with that we made out tolerably well. There was a small horse lot there. There were a few horses there owned by citizens who were there with General Winder. Mr. Piggott had five or six horses there, and so had some other gentlemen there. I do not know what those inspectors reported.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

Captain Wirz could not in any way give furloughs to the guards for shooting Union prisoners. I never heard of a guard obtaining a furlough for shooting a Union prisoner, and do not believe that there was any, while I was at the post. I think I would have heard of it if any such thing had happened. Things might have been smuggled through without my knowing it, as a matter of

course, but I think I should have detected it. If it was given to them as a reward, I think I would have heard of it. We had to send furloughs for approval to General Winder if they exceeded seven days. I granted seven days' furloughs. General Winder was at Richmond. I do not know positively anything about Captain Wirz relieving the guards whenever they shot a prisoner; my impression is——

(The judge advocate objected to the witness giving his impressions, and the objection was sustained.)

I do not know whether it was a fact or not; no such information came to me in the line of my official duty there.

THE CHARGES OF MURDER AGAINST WIRZ.

I never knew or heard of Captain Wirz in any way shooting, or beating with a pistol, or kicking to death, any prisoner while I was there. I never knew of his killing them in any way or brutally treating them. If he had used any extraordinary violence it strikes me I would have heard of it, but I never did. Captain Wirz rode a gray mare—a white animal, almost perfectly white. I never saw him on any other than a white horse. There were a good many sorrel horses there, several at least. It strikes me that his horse was kept in the stable with the other horses, where there were sorrel and perhaps roan horses. I never heard of a negro being shot by Captain Wirz. I never saw Captain Wirz carry a riding whip. I saw Captain Wirz frequently.

THE SUTLER.

I appointed the sutler upon the recommendation of Sid. Winder. He was brought there for the purpose of being made sutler, and upon that recommendation, I appointed him, or rather I merely gave him instructions to go in and do the duties of that office until General Winder could confirm the appointment. You all know as much about the duties of a sutler as I do. I do not know what his duty was inside the stockade. I never saw the sutler in there. I never went into his shanty. He used to sell everything he could make money on except things that would be manifestly improper, such as gunpowder, guns and other weapons, spades, shovels, &c. I cannot say anything about prisoners getting goods from the sutler.

THE CONDITION OF THE HOSPITAL.

Dr. White was the chief surgeon of the hospital at Andersonville. I never went into the hospital. I know they had but few wagons there. There was a great deficiency as to lumber for building bunks, &c. I do not think it could well be obtained. Some one at the post, I do not know whether the quartermaster or myself, asked authority to impress the saw mills around there for the purpose of getting lumber for the prison and post. My recollection is not sufficiently distinct to state it as a fact, but I think it was declined. I am satisfied the authority never was given.

TREATMENT OF THE DEAD.

Capain Wirz complained of the inefficiency of the quartermasters' department. He spoke of the various buildings that he needed, and remarked that he was not going to wait on that department any longer, that he would take the case in his own hands, or words to that effect. He went on and erected a room, I suppose, perhaps the size of this one, out of pine-tops and poles outside, about fifty yards in front of the south gate, for the purpose of holding the dead, to keep them out of the sun and out of the prison. The prisoners were buried in coffins until the lumber gave out. After that time I think they used puncheons.

They would take a pine log and split it in two and put one by the side of the other in a trench. They laid the body then on that flooring, and it was so shaped that they could put another row of puncheons over the body without touching it, and then they would cover that over with dirt. That was after the lumber gave out—I suppose about the last month of my stay there, May, and perhaps the beginning of June. I never knew anything of any sentinels ever being established over the dead-house.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I never heard of Captain Wirz taking away or ordering the taking away of blankets, clothes, or cooking utensils from any of the prisoners. I never knew of such a thing. The first prisoners that reached Andersonville were from prisons around Richmond—Belle Isle, perhaps, Libby. They were in an exceedingly destitute condition, poor and emaciated. Their clothes were in a very bad condition; some were without shoes, and some without hats. I have known corpses to be brought there on the train, corpses of men who had died en route to the place, and some after arriving there died en route to the stockade.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Captain Wirz complained that the boys should be confined and wanted authority to discharge them and send them to their homes. There were a number of little boys, drummers, I suppose, little bits of fellows. I don't know that Captain Wirz did anything in reference to them. There were a good many who were taken out of the stockade by the officers of the prison, and Captain Wirz wanted to send them to their homes. They were Union prisoners. I don't know whether he got authority to send them to their homes or not.

THE SUPPLIES FROM THE NORTH.

Just before I left Andersonville, a number of sanitary boxes reached the place and were piled up near the commissary building, and stayed there several days. During that time I was in the stockade, and prisoners told me they heard the boxes were there and urged me to have them sent in. I told them I would do what I could, and I went out and urged the men to send the boxes in as soon as possible. A few days after I visited the stockade again and the prisoners thanked me for what I did, and said they had received that collection of boxes. Captain Wirz asked me what he should do with boxes that came there for prisoners who were dead before they were received, and at the same time suggested that it would be proper to turn over their contents to the Union hospitals. I said I thought it was a good idea. That is all I know about it. I was frequently in the stockade while I was there. I presume some of the prisoners knew of my rank and what position I held there; others did not. I presume it was generally known.

THE DEAD-LINE.

My recollection is the dead-line was down sometimes, down on the stream where the ground was marshy and boggy. The dead-line, I should suppose, was about fifteen feet from the stockade. Where the line crosses the branch, there is a bog of twenty or thirty yards, and I learned that it washed down there several times when there was a heavy rain.

TREATMENT OF UNITED STATES COLORED SOLDIERS AT ANDERSONVILLE.

I suppose there were between sixty and one hundred negroes in the Andersonville prison. That was about the time I left. They were coming in constantly. Every train would bring two or three, or perhaps four or five negroes.

Some of them were in pretty good condition, others not so good. Some few were wounded, I think. Pretty soon after the first train reached Andersonville with a few negroes on it, I addressed a communication to General Winder asking him what disposition was to be made of the negroes. His reply was that the question was yet in abeyance; these were about the words he used, and I think he said, "until further orders treat them as prisoners of war."

THE CHAIN-GANG.

I never saw a chain-gang or stocks in my life. I did see a dozen men or so chained together, but that did not constitute the chain-gang which I have heard spoken of. I saw them chained together; I do not know what it was for. I presume that was not the chain-gang mentioned here. I only know the chain-gang by reputation.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

It was a penitentiary offence for a man in the Confederate States to trade for greenbacks. I think it was an act of congress, and, if I am not mistaken, there was a statute of the State to that effect. I do not know whether the restrictions imposed at Andersonville in that respect had reference to that law.

TRADING BETWEEN THE CONFEDERATE SOLDIERS AND UNION PRISONERS.

I did not say anything about trading between prisoners and the guard forces. I should have to fall back on impressions, general hearsay evidence, if I spoke about it. I have heard about it, I don't know how many times. It did not come to me in my official character. I got my impressions from general hearsay evidence, or camp rumors, you may say. It strikes me, and I call your attention to it, that I have seen the same order in a copy of the rules and regulations. I think that that order is in the copy of the rules and regulations for the government of the prison, saying that such trading is prohibited, interdicted—the rules established by Captain Wirz, approved by the post commander. I do not know whether the prisoners observed it or not.

THE SUPPLY OF VEGETABLES AT ANDERSONVILLE.

Andersonville is in a very poor section of country; all around there it is very poor country. There was a little market there, to which hucksters would come in from the surrounding country. It was a very small market, about as large as this room, I reckon. Hucksters would come in from different parts of the country with vegetables, &c. They would bring baskets full. I should hardly think it was a sufficient supply for the hospital. The provisions at that market would feed one hundred and fifty or two hundred men.

Cross-examined by the JUDGE ADVOCATE:

I went to Andersonville I think in February. I left I think in June—about the first of June. The rigors of the camp began after June, I think. Official business brought Captain Wirz and myself together some. I mean that we were together frequently on official business. We were together daily. I think I can say I saw him several times a day. I passed through Andersonville once or twice after I left there, and went up there once or twice on professional business. I do not know what transpired after I left there. I do not pretend to know what transpired at Captain Wirz's headquarters while I was there. I suppose I saw Captain Wirz about once a day; perhaps I saw him oftener. Sometimes I would see him once a day and sometimes oftener. I do not know anything about the condition of that prison after the first of June. All the evidence that I have given relates to prior to the first of June.

THE AUTHORITY OF CAPTAIN WIRZ TO PROVIDE EVERYTHING NECESSARY FOR THE COMFORT OF THE PRISONERS.

Q. Did not your scope of authority as commandant of the post give you more power than subsequent commandants of the post had?

A. I do not know what authority they had. I have already stated to the court the letter of instructions I had received from General Winder, mapping out my official authority. General Winder said to me there were three separate and distinct departments, one known as the prison, another as the troops, and the other as the post. I was assigned first to the troops, and second to the post. I was never assigned to the prison. I do not think I interfered in the local government of the prison. I went inside the stockade frequently, and so did the commandant of the troops. I had no business in there. I merely asked to have the hospital taken outside the stockade.

Q. You say you represented to the authorities at Richmond that the accommodations were not sufficient; what business had you to do that?

A. I did it by virtue of my rank as post commandant, being an intermediate officer between the prison and the government.

Q. Did you do it by virtue of your assignment, or was it humanity moved you to do it?

A. Humanity. I do not know that I stated *all* was done that could be done to build a hospital and make a shelter, &c., for those prisoners; I stated that a great effort was made. I do not know who built the dead house outside the stockade. Captain Wirz told me he built it; he said he was going to do it. I have no idea who he requested to do it. I do not know that he had authority to do it without requesting me. I did not build it. I did not give orders to have it built. I cannot say that it was an assumption on his part. I really don't know what right Captain Wirz had. It was the quartermaster's business to furnish shelter, and the quartermaster failed to do it. Wirz said that he would do it himself, and pretty soon after that I saw the house. It was a shelter for the dead.

Q. Well now, do you not think it would have been more humane to have built a shelter for the living?

A. I think it would have been impracticable for Captain Wirz to have furnished shelter for all the prisoners.

Q. That was not the question.

A. Then I will answer yes, if practicable. Some shelter might have been built inside the prison for the prisoners; I cannot say how much.

Q. While you were commandant of the post, do you think everything was done that could have been done for the prisoners?

A. Well, I do not think so on the part of some of the staff officers. I cannot say who was to blame; I think the quartermaster did not have the energy he might have had. I sent my staff officers off to neighboring towns to get lumber, tools, &c. It was not a fact that I had control, and nobody else, while I was there. I was prompted mainly by humane motives. I was assigned there by special order. I was lieutenant colonel. I was inferior in rank to the commander of the troops; nevertheless, by virtue of my assignment, I had command of the post. Under my letter of instructions, I think I had no right in the world to interfere with the interior prison, and I never did interfere; nevertheless, if I could mitigate the rigors of that prison, as a matter of course, I would with great pleasure do anything to accomplish that end.

Q. When was the hospital moved outside?

A. I think about a month before I left there.

Q. Was it done at your instance?

A. Yes, sir; I told Captain Wirz that I would take the responsibility of allowing him to do it.

Q. Then you commanded the prison, did you?

A. Well, Captain Wirz commanded the prison.

Q. Had he not full authority to do anything that the prisoners required for their comfort?

A. Yes.

Q. Then why did he go to you to ask permission to take the hospital outside?

A. Because General Winder said it should not be taken out.

Q. Then it was a question of violating his superior officer's order?

A. It amounted to that.

Q. And you throw the responsibility upon General Winder?

A. General Winder ordered the hospital not to be taken out, according to my recollection.

Q. And it was taken out in violation of his order?

A. Yes, sir.

Q. When you were examined several days ago, you said that you recollected some fifty car-loads of lumber, for the purpose of building shelter inside the stockade, and that at the time of your relief that lumber disappeared mysteriously, and none of it went in for shelters?

A. That was my testimony.

Q. Do you still adhere to it?

A. I still adhere to it.

While I was at Andersonville I granted furloughs for seven days. General Winder granted furloughs for a longer time than seven days. I never knew of Captain Wirz issuing an order as assistant adjutant general by order of General Winder. I have heard him say he was an assistant adjutant general on General Winder's staff. I only know he was a staff officer of General Winder's from what he said. I have some knowledge of the duties of an assistant adjutant general. I cannot say that Captain Wirz did all that it was in his power to do to alleviate the sufferings of the prisoners. I know he labored indefatigably, but whether he accomplished everything he might have accomplished, of course I cannot say. All I know is that the prison was not half cared for; I know that very well. I cannot say who was responsible for its care. I think the responsibility was in sending so many prisoners where they could not be properly cared for; there is where I think it lies. Those labors were performed by Captain Wirz in the direction of his line of duty, and not expressly to alleviate the sufferings of the prisoners. I only remember that he labored a long time over that ditch inside the prison, trying to clear it out and plank it up, and reclaim the marsh and bog on either side of it, which he did not succeed in doing; he never succeeded fully in doing it.

By the COURT:

Q. Can you tell how it was that, when the officer properly in command of the post would leave, Captain Wirz would assume command of the post while there were officers superior to him at the prison?

A. I can simply state what General Winder's order to me was when I reported to him for duty under order of the secretary of war. He said to me that there were three separate and distinct spheres at Andersonville. He at the same time charged me, particularly, under no circumstances to let the commander of the troops take the command of the post; that when the post commander was necessarily absent, then the commander of the prison should go to his place.

Q. Under such circumstances, according to those orders, Captain Wirz became commander of the post, the troops, and the prison?

A. No, sir; he did not command the troops; he simply commanded the post.

THE CHAIN-GANG.

By the JUDGE ADVOCATE:

I understood the chain-gang—I do not know positively about it—to be a number of men linked together in such a way as to allow them to move around. Those men that I saw were chained together in the shape of a square, so they could not move. I never saw those in the chain-gang. It was not done by my order; I don't know by whose order it was done. I never exercised the right to punish prisoners of war; I never had it under my letter of instructions. I do not know who had the right to punish them. Captain Wirz was commander of the prison; he exercised the right, and I presume he had it. Captain Wirz's orders came through me, but he never received any order to punish prisoners through me. If he punished them it was at his own instance, and I presume he was responsible.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

Q. You say that no permission was given to trade in greenbacks. Do you not know that there was a letter of instructions from General Winder stating what percentage should be given?

A. I never heard of it; I understood afterwards that greenbacks were purchased there by permission of General Winder.

THE PRISON RULES.

There were regulations prescribed for the government of the prison. It was not done by order of General Winder. Captain Wirz drew up a set of rules and regulations and read them over to me; they met with my approval; they had his signature and were posted up.

By the COURT:

I never made any rules for the prison; Captain Wirz drew some rules. I was Captain Wirz's superior officer. I think the first set of rules Captain Wirz drew—I don't know of any other set—the set which he drew while I was there had my indorsement. I don't remember what those rules were. I don't know what the second set were. I only knew of one set while I was there; I don't know what the rules were afterwards. I don't remember whether they were rules for inside of the prison or for immediately around the stockade, or both, but I remember my name was to the rules, and Captain Wirz's name also. Captain Wirz drew his own rules and regulations by his own authority. I respected his authority because I thought the rules were very much in place—just such rules as a prison ought to have. I approved those rules. There was no dead-line about those rules. The dead line was put up, I think, after the rules were made. I don't know who gave Captain Wirz permission to put up the dead-line; I did not; he did it by virtue of his own rank, I suppose.

THE ENLARGEMENT OF THE STOCKADE.

I cannot say that I had anything to do with the stockade. Captain Wirz was in command of the stockade. There was no direction about the enlargement or control of the stockade; I just added myself, or had it done, some fifteen or eighteen acres.

THE RATIONS.

Q. I understood you to say, yesterday, that the officer in command of the prison had nothing to do with the commissariat; is that correct?

A. That was my understanding.

Q. If he had nothing to do with the commissariat, how could he issue double tions to sergeants of nineties in the stockade and to those outside on parole?

A. I don't know whether there was ever an order to that effect. My under-anding was that they had double rations, but how they got them I cannot y.

Q. Must they not have got them from Captain Wirz?

A. Perhaps the quartermaster granted them himself; perhaps he had authority. cannot say where the authority came from.

Q. If they got double rations, they must have got them from the officer who etailed them, or on his order, must they not?

A. Perhaps the quartermaster would make requisitions.

Q. The quartermaster could not detail men.

A. He had them perhaps in his service.

Q. Suppose they were detailed outside?

A. I do not know; perhaps the commissary had instructions to issue double tions to all the men who were laboring in his service; I don't know where e instructions came from.

Q. Have you not stated that all orders coming from headquarters above you Captain Wirz had to pass officially through you?

A. The commissariat orders never came to me; they would come through e regular commissary channel. The order fixing rations, &c., would come rectly from the district commissary.

Q. If an order should come down that a certain number of men in your prison ould have two or three, or four rations, would not that order pass through ou?

A. It would pass through me.

Q. Had you no order to give double rations to these men?

A. No, sir.

Q. You know that Captain Wirz did give double rations to certain prisoners?

A. I don't know that Captain Wirz did it; I simply know from general putation that they had double rations. That is all I know about it.

Q. Did any such orders ever pass through your department?

A. No, sir.

Q. How, then, could Captain Wirz arrange with the commissary of your partment so as to make that issue?

A. That I cannot say; I don't know where the authority came from.

Q. It could only be done by reason of his being the confidential staff officer General Winder?

A. I am not able to answer that.

Q. Did the general ever find fault with you in reference to that when you came p there and made your reports?

A. I was not with the general five minutes at a time.

Q. Did the general ever look over your accounts at all and compare them with the orning reports?

A. Not that I know of.

Q. Was the commissary yours, or General Winder's, or Captain Wirz's?

A. He was General Winder's quartermaster.

Q. Then you were not responsible for the orders he issued for rations?

WITNESS. Do you mean the requisitions he made for rations for men in his ervice?

The COURT. For anything he issued.

A. I don't know that he ever made any. I don't know that either General Winder or myself were responsible for the issue of rations. I approved the equisitions. I don't know anything about double rations. I don't think I ever pproved the issue of double rations. It was embodied in the requisition for he whole prison. I never made out the requisitions; they were made out at

the commissary department upon the morning reports. That report would simply be brought to me for my approval. I would give my approval; the report would go back, and upon that they would issue. I don't know that I ever gave an order for the issue of double rations; it was merged in the provision return in such a way that I had no knowledge of it. I never gave a double ration to my knowledge; if I ever gave it, the return came from Captain Wirz's office so shaped as to give a double ration without my knowing it.

By COUNSEL:

Q. In regard to the regulations of which you have spoken, was not the regular channel for those regulations to go to Richmond, then return through you, and you approve them?

A. They went to Richmond.

Q. Were they approved there?

A. I don't remember that they were approved there. I don't know that they came back. There was no picket service in addition to the regular prison guard at Andersonville while I was there.

By the JUDGE ADVOCATE:

A. The daily estimates made for rations were made by the prison commander, and my approval was purely formal. I did not make an estimate myself; I never looked into it.

THE DEFICIENCY OF CLOTHING FOR THE CONFEDERATE TROOPS.

SEPTEMBER 28, 1865.

NAZARETH ALLEN, recalled for the defence:

I was connected with the first Georgia reserves. It was formed at Macon, Georgia, in May, 1864. When we got to Andersonville we had on our own clothing that we carried there with us. We carried such clothing as we had—we had no confederate clothing.

By the JUDGE ADVOCATE:

I went to Andersonville wearing my own clothes. I belonged to the Georgia reserves. I never drew confederate clothing. We were, to some extent, under the command of the governor of the State. We looked to no person for our clothing. We did not pretend to draw our clothing from the confederate government.

THE RATIONS.

By COUNSEL:

Our rations were corn-meal and bacon, and sometimes beef. The bad rations caused sickness, I think—diarrhœa; that was the complaint generally.

By the JUDGE ADVOCATE:

I don't think I said I suffered for want of rations while out on duty; we suffered from the rain a good deal. I never suffered because I had not sufficient to eat; I got a good deal of my provisions from home. Sometimes I had to live upon the rebel rations. There was a railroad all the way from where I lived to Andersonville, and I got boxes of provisions from home all the while I staid there, pretty much. When on picket, I lived a good deal off the citizens. I fared very well while I was on picket. I never had any difficulty in getting what I wanted to eat. I do not think any of our soldiers ever died from starvation. I never saw any cases of wasting away from lack of sufficient to eat. It was our impression that some of our men died because they had bad food. I am not a physician, but our impression was that the diet would create diarrhœa; that was my impression. We never had any scurvy among our men.

We did not get what vegetables we wanted. Our regiment did not get any vegetables of any consequence. With the vegetables that I purchased, and what I got from home, I had what I wanted.

CONDITION OF THE WATER.

By Counsel:

When we arrived at Andersonville we stopped a part of a day westward of the stockade, and moved to the northwest from there, I think, the next day, and formed our camp further off. Our regiment did not encamp anywhere on the stream above the stockade. Our regiment did not in any way affect the stream.

THE SUPPLY OF WOOD.

There was a good deal of sickness in the camp. I cannot tell how many of the regiment were sick; I never visited the hospitals; I passed by them, but never went into them. I could not positively say how many were sick in the regiment. I do not think there were over a quarter of them sick, though there might have been more than a quarter of them sick part of the time. Our hospitals were pretty badly crowded, but the sick were not all of our regiment. In my regiment there were, I guess, half of them, or over half, may be two-thirds, fit for duty. There were between seven hundred or eight hundred men in my regiment. The regiment was composed of boys from fifteen to eighteen, and men from forty-five to fifty. I was a private in my regiment. I should say we had very heavy duty to perform. We were on guard duty at the stockade every other day, and sometimes we had to guard prisoners after wood the day after we came off duty at the stockade, and sometimes we would have to go over and receive prisoners at the depot the day after we came off duty. That kept us pretty busy; it was going on all day pretty well, and it would be four or five o'clock in the evening before we got a chance to cook anything for ourselves to eat. We had to go hungry all day. There was a good deal of dissatisfaction and a good deal of grumbling. I did not do a great deal, but I made threats to do something. I threatened to leave the place, and did leave and staid away. Some others cleared out too. This state of things continued nearly all the time I was there. I was there nearly two months—from the 20th of May till the 17th of July.

Q. When you left what was the condition of the regiment as to sickness in comparison to its condition when you went there?

A. Well, there were a good many sick when I left there; I left with the well part of the regiment for the front, and we came to Macon, and were ordered back by General Cobb. I was sick when the regiment went back, and staid home.

Q. What proportion of the number of men of that regiment who went there were ordered away at that time?

A. I could not say exactly, but I think there were two-thirds of the regiment, as near as I can guess at it. We had to perform picket duty at Andersonville. As near as I can recollect there were four picket posts, and at the post I was on there were twenty-two men, counting the lieutenant and sergeant. I guess all the posts had the same orders; I do not know. We were encamped about two miles or a mile and a half from the stockade. My duty while at Andersonville was scouting every other day around the country, looking out for the enemy, and keeping in our own soldiers and the escaping prisoners, and such things as that. Our own soldiers deserted. I would rather be out there than round the stockade; but we had very inferior tents; they were pretty well worn out. We did not have anything to carry out there more than what I spoke of; we had some old worn-out tents.

Q. What did you do with your sick there, when on picket duty?
(Objected to by the judge advocate and question withdrawn.)

By the COURT:

We did not change pickets until they were broken up and called in. When one man got sick another would be put in his place. There was not a detail every day; the same men stayed there.

By the JUDGE ADVOCATE:

I did not visit the regimental hospital much; I only passed it by. I cannot give a very good opinion as to its crowded condition; I only went into the hospital very little. I never visited the regimental hospital but once; I passed by it every time I would go to the depot. I know that when I was there it was crowded with sick. They were not all of our regiment. There were a good many sick in the camps. I preferred picket duty to being stationed round the post, because of the offensive smell arising from the stockade.

By COUNSEL:

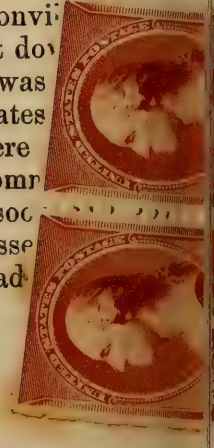
It was not wholly from that cause that I preferred being on picket duty. Picket duty I thought was lighter, but the desire to get away from the stockade was the main cause. We could fare better while on picket, having an opportunity to get provisions in the country. There were several other causes besides that stench, but that was the greatest.

By the COURT:

You did not understand me to say that I was a deserter. I went home with the regiment when we were ordered to the front. I had to be a volunteer or be conscripted to the front. I reported voluntarily. I was what you might call a forced volunteer. That was not one of the reasons why I wanted to get away. I did not desire to serve, neither was I afraid of anybody, but I was not very able to be a soldier. That was one of the reasons why I did not want to be a soldier. My health would not permit me to be, but I had to be. I had been crippled; that of course injured me in drilling. I could not drill well. There was drilling there.

By COUNSEL:

Furlow's battalion was what is called militia, and they were ordered by General Cobb to Atlanta to meet Sherman. I was sick two days previous to this in camp. When this order came in, the evening that our regiment was ordered to the front, I heard in a few moments afterwards that Furlow's battalion, the militia, had been ordered there and had backed out, not wanting to go. Our regiment volunteered to take its place, and General Winder approved of that and let them go on to Macon. Part of the regiment went that night, all that were fit for duty. In the morning, when the others came off duty, between nine and ten o'clock, they went. I went with them. I got two privates to carry me down to the depot and put me on to the cars. I went on with them to Macon, and when I got there General Cobb ordered the regiment back to Andersonvi[illegible] a friend to take me home in a buggy, My wife the next day went do[illegible] the captain before he left and told him where I was. He knew I was [illegible] he sent word to me by her to stay at home, and send my certificates [illegible] surgeon to the command and it would be all right, and to stay there [illegible] well. I did so. I got well in about two months—as well as I comm[illegible] before—and then I did not report promptly—I did not report as soo[illegible] well. I delayed the time until General Sherman and his army passe[illegible] and got between me and my command; my command were all mad[illegible] and I never saw them any more.



By the COURT:

I left my regiment at Macon and went home without authority, and when I got well enough to return I did not return, but I sent my certificates, which made all things right.

The COURT. In our service that would be called desertion.

The WITNESS. I never could see it in that way.

By COUNSEL:

My certificates, &c., in regard to my sickness went all right.

By the COURT:

Question. You have stated what was the effective strength of your regiment; by what means did you derive your knowledge of that effective strength?

Answer. As I told the court, it was only guess-work with me. I never saw a morning report of any company showing the men reporting for duty. I do not know how many men were sick. I don't know how many were present and how many absent; I just guessed at the estimate; I stated that it was guess-work; I did not want to answer that question. I belonged to company A, third Georgia reserves. There were ninety-two men in my company, I believe. I never drilled with the whole company there after we got arms. We drilled morning and evening, once in a while, when we were ordered to drill; that is, a portion of the company did; a part were on duty all the time.

THE DEFICIENCY OF TRANSPORTATION.

By COUNSEL:

I never saw any corral at Andersonville. I have seen a horse lot there up by our regiment, where we kept our regimental horses, while the wagons stayed there, until they were moved over to headquarters; I don't know what they did with them then. I never saw but four or five wagons about there. They did impress some wagons, I think, from out in the country to haul stockade timber—purposely for hauling stockade timber.

By the JUDGE ADVOCATE:

I was on duty at Andersonville from about the 20th of June till the 17th July, 1864. I understand a horse lot and a corral to be the same, but I saw none except what we had up at our regiment. I think there was some transportation belonging to the post. The wagons for a time were up by our regiment. When they left they went over to General Winder's headquarters. I don't know anything about the transportation there; we kept some wagons over by our regiment for our use. The horses and wagons connected with the post transportation were kept over about headquarters; somewhere about General Winder's quarters, I guess—I never was over there to see. I don't know but what the transportation of the post might have been there at headquarters. I know that there was transportation being used there for post purposes.

THE CHARGES OF MURDER AGAINST WIRZ.

By the COUNSEL:

I saw Captain Wirz's horse. It was a gray or white one. I never knew of Captain Wirz having a sorrel or a roan horse. I never saw him on any other creature but a white one or a gray one. I have known other officers on sorrel horses and on bay horses.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

When we went down to Andersonville we discovered that the fifty-fifth regiment were doing some little traffic with the prisoners, and some of our boys

wanted to get into it somewhat. It was against orders, and our men were told that it was against orders, so that they had to do it on the sly. Some of them, I think, pitched in somewhat, and the fifty-fifth boys got to cursing them about it. They wanted all the trade, I think. I think they traded a good deal. The fifty-fifth did it, and a great many of the reserves did it. I cannot tell the effect this trading had when they were on guard duty more than what I heard. I can tell nothing of my own knowledge. I saw some of our men wearing clothing that they had bought from the prisoners—hats, caps, shoes, and boots. They were old clothing; they had been worn.

By the JUDGE ADVOCATE:

I have seen our soldiers wearing the federal uniform. I have seen them with overcoats and boots and pants. I believe these articles of clothing came from the bodies of the dying and the dead. I cannot say, but I think that they were taken off and——

The JUDGE ADVOCATE. State only what you know.

The WITNESS. I am pretty confident that the guard——.

Question. You do not know of your own knowledge where the clothing came from, do you?

Mr. BAKER objected to the witness being interrupted in the answer which he was about to give.

The JUDGE ADVOCATE remarked that the witness had already answered the question, and that what he was proceeding to say was not responsive to any interrogatory which had been put to him.

By the COURT:

Question. Were you about to give your opinions or facts?

Answer. My opinions.

The court, after deliberation, overruled the objection.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

By COUNSEL:

I saw prisoners searched once, I believe. They were Stoneman's raiders, as they were called. They were stripped and searched. Jewelry and money—greenbacks and confederate money—were taken away from them; also some daguerreotypes, and some ladies' shawls, I think, and one thing or another—a little of almost everything. Some gold and some watches were taken. I think I saw some spoons or something of that kind taken; I will not be positive as to that. Doctor Bonner, the surgeon who attended me when I went home, wrote down there for a daguerreotype that belonged to his brother living in Jones county. It was taken from his brother's wife. He said he was writing down there for it. I do not know whether the others were daguerreotypes of southern ladies; they told me so; I do not know whose they were. They said they were daguerreotypes of southern ladies when they were taken away. I never knew of any others than Stoneman's raiders being searched there.

TUNNELLING OUT.

It was reported very often that the prisoners were tunnelling out, and we had to form our regiment and to go down and guard the place. If it was night, or just about night, we had to stay there and guard the place until morning. Captain Wirz would then test the matter and stop the tunnelling. I never knew of Captain Wirz being there in the night on that business, not down around the stockade.

By the JUDGE ADVOCATE:

I cannot say how often I saw Captain Wirz. I saw him very often passing about while I was on duty around the stockade. I was on picket duty a great deal. I saw Captain Wirz very often while I was on duty around the stockade. I did not see him while I was on picket duty except sometimes when I came over to the post office with a letter.

SHOOTING OF PRISONERS BY THE GUARDS.

By COUNSEL:

I never knew any man to get a furlough for shooting a Union prisoner. I have heard some little talk about it, but I never knew of its being done; I just heard a little sort of rumor.

By the JUDGE ADVOCATE:

I do not know anything about it. I never heard of any particular man who had got such a furlough. I never heard from my officers that a person could get a furlough for shooting a Union prisoner.

By the JUDGE ADVOCATE:

The confederate soldiers got furloughs sometimes. They did not get them very often. I don't know how many furloughs were obtained. A good many got furloughs for recruits. Some got furloughs to go home and cut their wheat, seven days' furloughs; I never got one myself; I was one that failed to get that. I do not know all the furloughs that were granted there. I do not know the causes that were assigned for obtaining furloughs. I know nothing more about it than what I have just stated, what I heard.

MEDICAL TESTIMONY.

SEPTEMBER 28, 1865.

Dr. E. A. FLEWELLEN, recalled for the defence:

I can arrive at the time during the summer of 1864 I was first at Andersonville more definitely by stating that I was there a few days before General Hood was assigned to duty in place of General Johnston—in the month of July or August—one of those two months I am confident. I am not distinct in my recollection about the number of men I found there as federal prisoners, but there were over thirty thousand, I believe.

CONDITION OF THE HOSPITAL.

On my first visit I went there under a special order of the medical director of hospitals, for the purpose of inspecting the hospitals. I called Surgeon White's attention to the hospital accommodations, and the reply was that he was making efforts to fit them up—that he had not been able to get sufficient tools. I asked him if he had made efforts. He said that he had made timely, and I think he said frequent, requisitions on the quartermasters' department for tools, but that he could not get them, and he remarked further that there were at least twenty-five hundred mechanics in the stockade, who would be glad to take a parole for the purpose of working on the hospital, but that he had not been able to get tools. He went so far as to state that he had lumber there sufficient to put up one or two hospitals, (similar to the one that had just been roughly thrown up for the troops on duty,) but that he had not been able to get the tools to put them up with. The federal hospital was a rough enclosure of plank fence; it was made up of a heterogeneous variety of tents, some comparatively new, and some almost totally worn out; I think I may safely say that I saw every style of tent in there that I have ever seen anywhere. There was little or no bedding. The bunks,

if they could be called by that name, were improvised by driving forked stakes in the ground and putting railings across. I am now speaking of the federal hospital. I saw little or no bedding—occasionally a bed-sack, very dirty. The confederate hospital was a rough two-story building which had been thrown up; it had not been completed. The floors were laid with what we call inch plank, about twelve inches wide and an inch thick. They had been laid down green and had shrunken up. In their efforts to make the floor secure they had put strips about three or four inches wide over the wide apertures in the floor. This fact made it necessarily a very dirty affair. The irregularities of the floor, of course, caused the vessels to be frequently upset—the vessels deposited there to receive the excrement of the sick men. Therefore it was very offensive. I would rather occupy a good average tent in the federal hospital than be on the lower floor of the confederate hospital. I suppose the court can see the reason.

The JUDGE ADVOCATE. Let us hear the reason.

The WITNESS. The prevailing type of disease there was chronic diarrhœa, and the patients had frequent use for vessels, which this irregularity of the floor caused to be frequently upset, and thus the men below suffered.

The JUDGE ADVOCATE. I suppose that was unheard of in the federal hospital?

A. Oh, yes; because they had tents.

There was a good deal of difference, I think, between confederate hospitals and hospitals for Union prisoners. I never visited them officially except at Andersonville, and I did not consider that a hospital at all in comparison with what a hospital should be. I found on looking over the hospital stores that had been issued and that had accumulated in the office of the surgeon-in-chief, a large lot of bed-sacks, sheets and other things necessary for the hospital. I thought it very remarkable that they were not furnished, and, of course, I called on Dr. White for an explanation. His reply was that in the first place he had not been able to get the straw to fill the sacks; that in the second place he had not been able to get bunks to put them in; and, as an additional reason, that he did not want to put them into those nasty tents and on the filthy ground—the hospital being incomplete, the bunks being fixed up with sticks, and some without sticks. He said that the sacks would soon be ruined; that they would be so filthy that they would never be fit to use when he should have succeeded in completing the hospital. I testified in my examination-in-chief as to the character of the ground; it is pine soil, black. There were no floors to the tents, simply earth floors, and if bed-sacks were placed on the ground anybody could see how quickly they would be soiled. If they were put on the bunks I have spoken of, the men climbing up and down would soil them very badly. I have no knowledge as to the chance of getting straw to fill them with, except what Dr. White stated. My recollection is not distinct as to whether I discovered any of them filled with pine straw. The confederate hospitals were pretty short in regard to hospital clothing and necessaries of every kind; they hardly ever got what they desired. I may say there was very great suffering in consequence of that deficiency in the hospital department generally.

VACCINATION.

Q. Can you tell us what effect vaccination had upon your own soldiers and citizens?

The WITNESS. Do you mean spurious vaccination, as it is called?

Mr. BAKER. Yes, sir.

A. The first I ever heard or knew of spurious vaccination—

The JUDGE ADVOCATE. State only what you saw or knew at Andersonville.

WITNESS. I know nothing about vaccination at Andersonville.

Q. Go on and state all you know about spurious vaccination anywhere throughout the southern confederacy.

The JUDGE ADVOCATE objected to the question, on the ground that even if it could be proved that persons throughout the south were poisoned by means of vaccination, it would furnish no proof that prisoners of war at Andersonville were not so poisoned, and could not in any way exculpate any one who was inculpated by the evidence already brought before the court.

Mr. BAKER argued that the question was proper. The defence proposed to show that the same effects experienced from vaccination at Andersonvlle had been experienced throughout the whole south; that the same vaccine matter used at Andersonville, was, so far as could be ascertained, used in various places throughout the south, and had similar effects on soldiers and private citizens. If the defence could show that this vaccine matter was used upon confederate soldiers and produced the same results as those testified to in the case of federal prisoners, it would tend to rebut or disprove one of the elements of the alleged conspiracy.

The COURT after deliberation sustained the objection.

WITNESS. I know of the effects of vaccination on the troops in Georgia.

Q. State to the court what those effects were on your troops.

Objected to by the judge advocate, unless it could be shown that the vaccine matter used for the confederate troops was obtained from the same source as that used for the Union prisoners.

After deliberation, the objection was overruled.

A. While the army of General Bragg was at Tullahoma, I was medical director, and I know that very great complaint was made to me as to the character of the vaccination practiced in the army. A large number of men were represented as unfit for duty. I think that one division represented nearly a thousand men as unfit for duty on account of spurious vaccination. I saw a number of the cases in the early progress of the vaccination, but they presented nothing abnormal that I could detect. But, as it advanced, the cases seemed to have the appearance very nearly of syphilitic rupia. It diffused itself more or less over the whole surface. A large number of surgeons regarded it as a complication of vaccine and syphilis. Finally they settled into the opinion that it was not syphilitic. There never was, I may safely say, any settled opinion among the surgeons of the confederate army as to what was the true character of this impure vaccination.

Q. To what extent did you know it to go as to the disabling of soldiers?

A. I never saw myself any soldier maimed or disabled for duty; I heard rumors of the kind, but never saw any cases of it; I can state nothing more than I have already stated; I have heard rumors of the kind; I have stated about it spreading over the body, but I learned nothing about confederate soldiers losing their arms; I do not think I had ever anything of that sort officially before me; I have seen healthy country men, women and children affected in the same way; I remember more definitely the time my attention was first called to it; it was in the spring and summer of 1863 when the army was at Tullahoma, Tennessee; it then reached its acme in our army; I have been hearing of it more or less continuously ever since; I did not learn when it ceased in the confederate army; I left the army at Dalton; I cannot answer definitely as to whether it spread over a period of one or two years; I have heard complaints of it since I first heard of it; I am not able to state from what source the confederate government obtained this vaccine matter; I know that some surgeons obtained it from private sources, and that others obtained it from the medical director of hospitals; my best information is that it was obtained from various sources; we had very imperative orders requiring all the soldiers to be vaccinated; the medical officer in charge of the enrolling department was required to have the men vaccinated, and there were stringent orders requiring surgeons in charge of hospitals to do so; orders extended to medical officers in the field; the orders were not at all discretionary; they were very imperative.

GENERAL JOHN H. WINDER.

Q. From what you saw of General Winder at Andersonville, state what your impressions were as to his conduct there in relation to prisoners.

Objected to by the judge advocate and objection sustained.

THE CHARGE OF MURDER AGAINST WIRZ.

Q. At any time while you were at Andersonville did you hear of Captain Wirz shooting, beating with a pistol, or in any way maltreating Union prisoners?

A. I never heard anything of the kind.

Q. If such a thing occurred would you not have been likely to hear of it?

A. I made an honest effort while I was there to arrive at all evils connected with the prison hospital, and indirectly with the prison itself, and I should have thought the officers I conferred with very derelict in their duty if they had not reported anything of the kind that they knew; I made an honest effort to get at the facts.

THE RATIONS.

I called Dr. White's attention to the fact that the corn-meal out of which I saw bread baked was not sifted; his reply was that he had made requisition but the sifters could not be had. When the army was at Tullahoma diarrhœa prevailed there to a very large extent; I reported the fact to General Bragg, and I attributed it very largely to the fact of the meal being used unsifted; I arrived at that conclusion from the evidences I saw of the matter passing through without digestion; I know there was great complaint about the difficulty of getting sifters in hospitals and in the army too.

THE HOSPITAL FUND.

According to the records of the hospital there was a considerable amount of hospital fund due for hospital commutation of rations; a large amount was due, approximating to $100,000; perhaps it was $100,000, but I cannot give the exact amount; it was a good large amount; Dr. Stevenson's books showed that he had received a large amount, approximating to $100,000, but on investigation it appeared that he really had not received the money, notwithstanding it stood charged on his book against him. To the judge advocate: It appeared from the books that he had received it, but he stated that he really had not received it.

(The judge advocate objected to evidence as to what Dr. Stevenson stated, and the objection was sustained.)

I addressed a communication to the commissary who approved the requisitions for this large amount of money to know whether the money had been furnished to Dr. Stevenson as appeared on Dr. Stevenson's book, and the commissary wrote to me that it had not been furnished; there was an appearance that a large sum of money had been received by him, when in fact it had not been received; the only investigation I made of Commissary Armstrong's books was when I was making an effort to see whether Dr. Stevenson had been conducting his affairs properly; I attempted a comparison of his ration accounts with the commissary's ration accounts, and I found that Armstrong's books were very correct, as I thought; I thought they were perfectly correct; his accounts seemed to be very neatly and correctly kept.

CONDITION OF THE HOSPITAL.

Cross-examined by the JUDGE ADVOCATE:

Q. You commenced a comparison between the confederate hospital and the federal prison hospital, leaving an impression on my mind that if there was any difference it was in favor of the federal prisoners.

WITNESS. I was not allowed, you may recollect, to complete that comparison.

Q. Go on and explain to the court wherein the comparison was not complete.

A. I think I neglected to state anything about there being bunks with bedding in the confederate hospital, while there were none in the federal hospital; those in the federal hospitals were improvised in the manner I have described; they had better bunks for the confederate hospital, which I neglected to mention for the reason that I was interrupted; I believe that I mentioned that the federal hospital was composed of a heterogeneous collection of tents, and that the confederate was a two-story house; the truth of it is that the whole concern was so incomplete that it is hard to say which was the best; they were both incomplete and in an unsatisfactory condition, and I so reported; I am speaking of the federal hospital at Andersonville, and of a little hospital fixed up for the accommodation of the garrison. On my first visit to Andersonville I found a number of tents of all varieties, quite a variety of tents, and in all kinds of conditions, from pretty good to very bad; these were not furnished with good articles of hospital furniture; there were bunks improvised by putting forks in the ground and laying boards upon them; there was no bedding but such as soldiers have in the field, blankets, coverings, &c., except a few bed sacks; in fact all that I saw in the hospital there was very dirty; the cooking establishment I do not think that anybody supposed was equal to the necessities of the case; there were large caldrons for boiling meat. The main points of difference between the federal and confederate hospitals were these: One was a house, and the other consisted of tents; the number of sick men in the federal hospital was so much larger than the number in the confederate hospital that it made it, of course, very much more objectionable to be sick there than in the other; as a general rule we all prefer a house to tents; the remark I made in reference to the lower floor of the confederate hospital I have nothing to say in abatement of; the confederate hospital had bunks, and there was better hospital clothing there than in the other—I mean hospital bedding, furniture and the like; I did not see anything fair down there in the shape of a hospital; I think there was bad management all round; I think a man with more energy than Dr. White could have remedied it—could have improved things; I do not recollect the number of points of improvement I suggested; I know what my object was there, and that I labored faithfully to carry it out; I am quite sure I made suggestions; I did not suggest impossibilities; I now adhere to the report I made then; I do not say that the suggestions I made I believed it was in the power of Dr. White to carry out, for Dr. White said it was not in his power; I suggested what ought to have been done; I could not answer as to whether I suggested what could not be done, for I did not know the capacity of transportation there, or any of the difficulties in the way; I suggested nothing that was an impossibility, provided the means were at hand; I suggested nothing but what should have been done; I suggested nothing but what could have been done if they had the means, and I did not know what their means were; I suggested what one would have supposed to be in the power of any government, not excepting a rebel government; I suppose it should have been within its power.

Q. Did you notice in the confederate hospital any of the peculiar sufferings that distinguished the federal hospital, such as scurvy, grangrene, patients suffering from vermin, and matters of that kind?

A. Yes; I noticed a difference in that particular. So far as I recollect I saw

no scurvy in the confederate hospital; I do not think there were any wounded men in the confederate hospital, and gangrene attaches itself to wounded men; if I had been a patient at Andersonville I would have preferred the confederate hospital to the federal hospital; I thought I could have remedied the condition in which I found the first floor of the confederate hospital if I had charge of it; I should have taken the whole concern up and put it down again closer.

By the COURT:

I have lived in a pine country; I have no knowledge as to whether people use pine straw in their bed-sacks, I am sure; I have no doubt that it can be used; I think every time I was at Andersonville when the garrison was anything like full the confederate hospital was very crowded; that it did not have capacity for the confederate garrison; some of the patients were left sick with their regiments, as they could not be accommodated in the hospital.

VACCINATION.

In the matter of vaccination the experience I spoke of in 1863, that was the first time I saw it; I left the army after that; I am quite sure there was some of it in the army after 1863, but I do not recollect the last I knew of it; all those surgeons who knew of the existence of spurious matter never used it after the consultation about it; it was generally known in the army I was attached to, at Tullahoma, Tennessee; it was generally talked about in the army, and when surgeons ascertained its deleterious effects they ceased to use it; it prevailed some two or three months before the attention of medical officers was really called to its spurious character; it was a new thing; none of them knew it, and it prevailed some time before it became a serious matter; I know that considerable efforts were made to get a pure article.

Q. Do you know whether any order or instructions were issued to use this impure matter?

A. Never.

Q. You never heard of anything of that kind?

A. No, sir; I remember that Dr. Stout, the medical director, made pretty extensive arrangements to secure pure vaccine matter, but whether he ordered this vaccination to be suspended or not I cannot say; if impure matter was used knowingly by surgeons it was on their own responsibility; they had no orders to use impure matter, I am sure of that.

Q. What would you expect to be the result of vaccination on a soldier who was laboring under a scorbutic habit; I speak especially of such cases as those you met with at Andersonville?

A. I am not prepared to say; I never treated any of those scorbutic cases, and never saw the effects of vaccination upon them; I do not recollect ever seeing that point alluded to in my reading.

Q. Do you not know that vaccine matter introduced in the arm of a person whose system was depleted, is liable to have a dangerous effect on him?

A. I know nothing of the kind, although I would think it would be reasonable to expect such a result. A man whose system is very much depraved, a scorbutic patient, I should never think of vaccinating, unless small-pox was prevalent, and there was great danger of his catching it. If the issue lay between small-pox and vaccination, I should unhesitatingly give the preference to vaccination; but until such an extremity as that presented itself I would not do it.

By the COURT:

I made three inspections. The first one was either in July or August, 1864. It was a few days before the army of the Tennessee was turned over to Gen-

ral Hood. The second was made some time in November. The third was ither January or February this year. I went to the federal hospital on all ccasions; I took a general view of the patients passing through; I talked vith a number of them; my attention was not called to any of them affected vith that vaccine matter; I saw nothing of it; my attention was not at any ime called to the vaccine matter used at that prison; I never heard at any me that federal prisoners were dying from the effects of that vaccine matter; n all cases that came to my knowledge of impure vaccine matter, in the rebel rmy and among private citizens, I do not know a single instance of a medical fficer using it after it was known to be poisonous. If, knowing it to produce oisonous effects, the surgeons had continued its use, I should have said it was riminal, of course. It was during the latter part of the spring or early in the ummer of 1863 at which vaccination was made at Tullahoma.

Q. What was the effect upon the soldiers of this spurious vaccination; did it isable them?

A. Sometimes it disabled them. I never knew of any amputation resulting rom it; I have heard rumors of persons losing their arms, but nothing of the ind came to my knowledge, either officially or through personal observation; it vas used for some months before the surgeons understood it; there is nothing n the books that I ever saw on the subject, and it was some months before hey came to a conclusion about it; I am very well satisfied that vaccine matter f an impure character ceased to be used in the army afterwards; I do not ecollect at what time it ceased to be used; I cannot say if it was before 1864; know that there was an effort made, from the first time that impure vaccina- ion was suspected, to get rid of it; I do not think it was used in the army luring the early part of the summer of 1864; it may have been used in other arts of the country; I cannot say if it was being used at that time in the Andersonville prison; I never heard of vaccine matter of any kind being used t Andersonville prison.

THE AUTHORITY OF CAPTAIN WIRZ TO PROVIDE EVERYTHING NECESSARY FOR THE COMFORT OF THE PRISONERS.

By the JUDGE ADVOCATE:

The first time I went down there was under a special order of Dr. Stout; ne told me to call, in the first place, on General Winder and state my business o him, and confer with him; I went there to look at the whole matter connected with the medical department; that investigation did not lead me necessarily to inquire into the personal conduct of Captain Wirz; I had a little conversation with Captain Wirz in regard to the size of the prison and the number of the prisoners; that is all; I remember one suggestion that I made in reference to inside of the stockade.

Q. Did you make your suggestion on the same basis as those you made in reference to the hospital, that it was within the power of the commander to make the changes suggested?

A. I will state what my recommendation was; I thought it was in their power, but they stated it was not. (Interrupted by the judge advocate.)

THE HOSPITAL FUND.

I conferred with the commissary of the post in regard to Dr. Stevenson's alleged embezzlement; we got certificates from various medical officers that he did appropriate supplies properly belonging to the hospital, to his own use; we got testimony to that effect; I never made a report on that subject, but turned the papers over to Dr. Gilliard, who was to have made a report; we were oint inspectors.

Q. Have you any means of knowing that the commissary and Dr. Stevenson had not colluded, in some way, about that matter?

A. The commissary on duty the last time I went down there, was not the commissary who was on duty at the time Dr. Stevenson charged himself with that large amount of money; when I was examining Stevenson's books I found that he was indebted to the government, as it appeared, in this amount; I wrote to Major Proctor, the commissary at that time, who was at Atlanta, on the subject, and he replied that the money, as charged on the books, was not received by Dr. Stevenson.

The only evidence had that the money was not received by Dr. Stevenson was the letter from Major Proctor, and Dr. Stevenson's assurance, and the balance on the book itself which showed that the amount had not been received.

Q. Would you not have suspicion of a man who had been found with embezzling provisions that were intended for the hospital?

A. Yes; I should be a little suspicious of him. I do not know that Dr. Stevenson did not actually receive this money; I made my investigations thoroughly as I could make it; he charged against himself an amount approximating $100,000, but at the same time he made an entry explaining why that entry had been made; I mean he made it at the same place; I mean to say that I found where he had charged himself with that amount, an entry on the book saying how it happened; I presume that entry was made subsequently; he addressed the Surgeon General on the subject; I saw some evidence of that also, and he explained it away to the Surgeon General.

ADJOURNMENT OF THE COURT IN CONSEQUENCE OF THE ILLNESS OF GEN. BRAGG.

Upon the meeting of the court on the 29th of September, the President laid before the commission the following letter:

WASHINGTON, D. C., *September* 29, 1865.

Mr. PRESIDENT: I am too unwell to attend court to-day, and regret that I have been the source of so much inconvenience to you. I hope to be able to attend to-morrow.

Very respectfully,

EDWARD S. BRAGG,
Brigadier General Volunteers.

Major General L. WALLACE, *President Commission.*

The court was cleared for deliberation, and when the doors were reopened, it was announced that the court had decided to adjourn, in consequence of the sickness of General Bragg, until to-morrow, September 30th.

SEPTEMBER 30, 1865.

Captain J. H. WRIGHT, recalled for the defence:

I belonged to the military service of the Confederate States; to the 55th Georgia regiment. In 1864 I was quartermaster of the 55th Georgia. A remnant of my regiment was at Andersonville—that portion which was not captured at Cumberland Gap. I arrived at Andersonville in February, 1864, and remained until February, 1865. Some few over two hundred of my regiment were the most that were ever there. I succeeded R. B. Winder as quartermaster of the post at Andersonville.

CONDITION OF THE HOSPITAL.

I got some old refuse tents for my regiment when we first got to Andersonville, in the spring of 1864; I made efforts to get tents for my own men, and succeeded in getting these old tents. They were afterwards taken from the men for hospital tents for the prison; for the federal prisoners. Then I was sent by Colonel Persons to try and procure some tents, and I travelled nearly

ll over Georgia to draw tents, and failed to get any at all. They were intended rincipally for the prison hospital, and for my own regiment, if I could have ot enough. I was required to pay off my regiment, and I made an estimate f the funds. I made my estimates regularly every month, and sent them through Captain Wirz to the post quartermaster. He approved of them and forwarded hem to Richmond. I did not receive any funds until the last of September or he first of October. I never paid off my regiment; I turned this money over, vhen I did receive it, to Captain Johnson, who was there about that time and aid off the reserves. If my recollection serves me right, I got about $50,000. Captain R. B. Winder owed me $75,000, that he used, and I think he let me ave $50,000 of it in September. I made my requisition in April or May, nd a short time afterwards Captain Winder told me that he had received 75,000 for the payment of troops; that he had used it, and would replace it as oon as he got his money. I know that the hospital was removed out of the tockade, and the orders came afterwards.

THE RATIONS.

My regiment received the same rations as other troops there; the rations were nferior. We had nothing but coarse corn-meal, which was frequently musty. We got one-third of a pound of bacon, and sometimes this poor Florida beef, vhich was always inferior or mostly so. I suppose it was the same as the fed- ral prisoners received. It came from the commissary, and they all drew from he same place. I never saw any difference made. It would be impossible for ne to tell about the number of prisoners before the quartermaster succeeded in getting lumber or bricks for ovens, or anything for the accommodation of the risoners. I know that prisoners were coming in constantly, and it was some ime in April or May I think before arrangements were completed. There were ot so many as 20,000 or 30,000. There might have been some ten or twelve housand or perhaps fifteen thousand. I cannot give anything like a correct dea about that. They never did have a sufficient quantity of these conve- niences. The ovens never were capacitated for cooking enough for the prisoners. I have been in the stockade frequently, and the prisoners never did have their ations all cooked. I do not know if it was because bricks could not be sup- lied. I know they did not have it. I do not know whether they could get it r not.

Q. Do you know of efforts being made towards that end?

A. I know what Winder told me; that is all I know about it.

Q. Do you know anything about provisions being condemned by boards of urvey at Captain Wirz's instigation; were there boards of survey there, and were provisions condemned?

A. Yes, sir. There were boards of survey and provisions were condemned.

Q. Did you not frequently hear Captain Wirz complain about the bad qual- ty of the rations?

A member of the court, in reply to an inquiry from Mr. Baker, said that the question just propounded was in contravention of the previous ruling of the court.

The question was withdrawn.

THE SUPPLY OF LUMBER.

Q. What were your efforts to get supplies for that post—lumber, nails, and other supplies?

A. I could not get any lumber at all. I do not think I ever succeeded in getting but about two thousand feet of lumber. I made every effort pos- sible. I tried every man that had a mill near there. I went to Cap- tain R. B. Winder every week, and made efforts to get lumber from

him and General Winder. The millers would not let him have any lumber, because they said they had furnished the post with a great deal of lumber that had never been paid for, and they could not carry on their mills unless they got pay for their lumber. They would not let him have it. I had a quantity of nails on hand, but they were tens and twelves; they were all too large for nailing boards. I made efforts to get some of smaller size, and I tried to swap these large-sized nails for smaller ones, but I could not find smaller nails anywhere. I used the tens for building the hospital. I never tried to obtain any other kind. I had plenty on hand of these sizes, tens and twelves. There was an injunction served on me and Colonel Gibbs in December, 1864, or January, 1865, by Mr. Dykes, to stop our getting wood or timber off his land for the use of the prison, and to stop burying the dead on his land.

Q. Was there, or was there not, a good deal of trouble and hard feeling going on previously, and a great deal of hindrance on that account?

A. The people in the neighborhood were very much dissatisfied at having this lumber used and not being paid for it, and they grumbled a great deal about it, and were constantly threatening the men who were at work getting wood. It finally resulted in this injunction.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I once heard General Winder give an order to have Stoneman's men searched. I saw them when they arrived, one batch of them. I saw them search prisoners down there afterwards; I don't know whether they were all Stoneman's men or not. It was after the first time I alluded to. The things taken from the prisoners were carried to Captain R. B. Winder's office. I never knew or saw Captain Wirz search prisoners. I have seen him down at the place when they were searching, but I never saw him searching any one.

Q. Did you ever see Captain Wirz take clothing, blankets, or anything of that kind from prisoners.

A. I do not know as to what he did to those Stoneman's men. He was down there with them. I never knew him to have anything to do with taking clothing or anything of the kind from any others than Stoneman's men.

Q. Do you know about any government orders to have Stoneman's men searched, especially, in preference to others?

A. I know of no orders except Gen. Winder's. He ordered them searched, and what they had taken away from them. These Stoneman men were searched near Castle Reed, as we called it at the confederate guard-house, some distance from Captain Wirz's headquarters. I could see his headquarters from there. His headquarters were on a hill, two or three hundred yards distant.

THE REBEL AUTHORITIES ADVISED OF THE CONDITION OF THE PRISONERS.

I know that there were several inspectors sent to Andersonville. General Cobb, General Wright, and one or two others, whose names I do not remember, and Colonel Chanler came there. I never saw any improvement after their inspections. I do not know what they did. I do not remember in what months General Cobb was there. I was not there in March, 1865.

THE DOGS.

I have seen the dogs there. I never saw Captain Wirz go with them. I do not know whether dogs were used there before Captain Wirz came; I remember of their bringing prisoners in who had been captured with dogs; I don't know whether it was before Captain Wirz came there. It was before Turner's dogs were employed. I think it was before any dogs at all were

mployed at the post. This man Harris brought them in—no one connected vith the post. I knew two planters around Andersonville that had hounds. know that this man Harris brought in prisoners. He is the only farmer that ad hounds, that I know of, that did so. Confederate soldiers were hunted by Turner's hounds. I do not know whether he ever captured them or not. I now that he started after them. Turner applied to me to be paid for his ound running. I refused to pay him. He then went to the commander of ne post—Colonel Forno, I think, was in command then. He decided that Turner was not entitled to it, being a detailed man; that he was only entitled o his detailed pay of twenty-five cents per day extra.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Q. What do you know about complaints being made on the part of Captain Virz on account of the bad condition of affairs there?

The JUDGE ADVOCATE objected to the question.

The PRESIDENT stated that the question was contrary to the previous decision f the Court.

The question was withdrawn.

I cannot now think of any specific act on the part of Captain Wirz to meliorate the condition of the prison. I know that I carried different things nto the stockade to the prisoners—vegetables and other things. Captain Virz never prevented or tried to prevent me from doing so. I always showed im what I had to carry in, and he would give me a pass to take it in.

Q. Do you know of any charges or accusations made by Captain Wirz gainst officers there for not doing their duty?

WITNESS. What officers?

Mr. BAKER. Any officers—anybody who abused the prisoners.

A. I do not remember anything about that.

THE SUPPLIES FROM THE NORTH.

Q. What do you know about boxes coming for the prisoners?

A. I know there were boxes shipped there for the prisoners. The contents of great many of them were spoiled, and some of the boxes were empty, when ney arrived there—they had been robbed before they came there. I saw nem in the cars. A great deal of the contents were spoiled: from being elayed on the road, I suppose. The boxes were opened and examined by the nen who were at the cook-house, under the quartermaster, I believe.

THE SUPPLY OF WOOD.

Q. What is your recollection about the extent of the guard forces while you ere at Andersonville?

A. The guard force, at first, was only my regiment; then it went up, I nink, to about 1,500. The lowest number was my detachment—the 55th eorgia. I don't think it numbered over 120 or 130 at first; but we had ardly any prisoners there then; that was the first year. My regiment ncreased all along till summer; men were coming in. Officers and men com-lained that their duties were very heavy. I have heard officers complain that hen men came off in the morning they would have to go on again before night. he complaint was general among the guard forces.

CONDITION OF THE WATER.

There was an order forbidding soldiers from washing in the brook above the tockade. The order came from the commander of the post. Colonel Persons, think, was the commander at that time.

THE DIFFICULTY OF PROCURING TOOLS, AXES, ETC.

The colored men employed on the fortifications there belonged to planters in the vicinity of Andersonville, and their tools they brought with them, I think; and what they did not bring belonged to the engineer department. The engineer's department had charge of them. The engineers, when they left, carried with them what tools they had belonging to that department, and sent those belonging to the planters back by their servants. I do not know whether Captain Wirz could in any way have taken those negroes or their tools for the purposes of the prison. I would not suppose that, according to military law, he could. I had nothing at all to do with the engineers or their department. I was quartermaster for the troops.

Q. Did Captain Wirz have any control over them?

A. I don't know anything about that. I never saw or knew him to have any control of them in any way; I do not remember ever being over there while the work was going on.

THE DEFICIENCY OF TRANSPORTATION.

The reserves had four teams which belonged to the quartermaster of the reserve corps. The commander of the post ordered the post quartermaster to take charge of them.

THE STOCKS.

I heard of the stocks at the confederate guard-house as well as at other places. I never saw them.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

I never knew or heard of Captain Wirz promising a guard a furlough for shooting Union soldiers. I never knew of any one getting a furlough for that cause. Captain Wirz gave transportation in the name of General Winder; he used to sign the orders for transportation there.

Q. Can you explain that?

A. We had an order from Richmond forbidding any one to issue transportation except on the orders of chiefs of bureaus and commanders of armies and departments. That locked up our post so that we could not issue any transportation at all until General Winder got an order allowing him to issue transportation. After he left there Captain Wirz signed orders for transportation, as assistant adjutant general.

AUTHORITY OF CAPTAIN WIRZ OVER THE HOSPITALS.

After I took charge, the surgeon made requisitions on me for teams—for whatever he wanted that was in the quartermasters' department. I was in charge of the quartermasters' department from October till the 1st of February. Captain Wirz did not have anything to do with the approval or sanction of those requisitions.

TREATMENT OF THE DEAD.

I know there was one prisoner buried there with masonic honors—from the stockade. I saw the procession coming from the stockade.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Q. What do you know about Captain Wirz's sickness in the month of July or August, or about that time?

A. I know that he was sick, but could not say what time he was confined.

He was sick in the summer; I do not know what month; he was confined to his house. I know that in September he was feeble, and I had to send him backwards and forwards in an ambulance; the first part of September I think it was. I think he used the ambulance two or three weeks. That was after he was sick.

Q. When he was brought in, how did he look and how did he conduct himself—like a well man or like a sick man?

A. He looked very feeble. I have seen him lie down in the day; in passing I have frequently seen him lying down. Lieutenant Davis was in command or in charge when Captain Wirz was sick. Lieutenant Davis was there most of the time General Winder was there; he was on General Winder's staff. In September, when Captain Wirz was so feeble, he would generally go home tolerably early in the afternoon; about 3 or 4 o'clock, I suppose.

Q. Do you know of the prisoners being carried away or removed after he had left?

A. Yes, sir, I have known prisoners to be sent off when he was not there.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

I know that Captain Wirz was crippled in his right arm. I do not think he could use it. It was injured in some way. I do not know whether it was broken or not. I know that his right arm was injured. I have never seen him dressing it.

THE INEFFICIENCY OF THE QUARTERMASTERS' DEPARTMENT AT ANDERSONVILLE.

The condition of the quartermasters' department when I left was a little improved—very little, compared with when I took charge of it. I was not able to make much improvement in it. I made exertions to improve it. I did the best I could.

Q. From your knowledge of the quartermaster and commissary departments, and of Captain Wirz, was Captain Wirz in any way to blame for the shortcomings or deficiencies of those departments?

The JUDGE ADVOCATE objected to the question, on the ground that the court had not yet been informed as to the extent of the witness's knowledge, so as to determine whether an opinion from him on that subject would be of any value.

Mr. BAKER contended that, as the testimony of the witness showed that he had charge of the quartermasters' department, he must necessarily have acquired sufficient knowledge on the subject to be able to give an intelligent and reliable opinion in answer to the question.

The COURT, after deliberation, sustained the objection.

I think R. B. Winder and Reed left Andersonville in September or the 1st of October. I never saw them there after that, that I remember. If they had been there I think I should have seen them, of course.

THE CHAIN-GANG.

I do not remember ever seeing any one in the chain-gang.

SHOOTING OF PRISONERS BY THE GUARDS.

The weakest part of the stockade was where the brook passed through it. I have known it to be washed down there. I suppose that, if the prisoners attempted to get out, they could push it down, if they had had anything to operate with. I do not know how they could push it down with their hands.

THE CHARGES OF MURDER AGAINST WIRZ.

Captain Wirz wore white pants and was in his shirt sleeves almost all the summer.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I have seen prisoners arrive from Richmond, Belle island, and other places. They were in a very emaciated condition and very destitute of clothing. They were poor and weak and appeared to be sickly. A great many could not walk to the stockade from the depot. They were very poorly clad; I mean that they were not naked, but they did not have good clothes. Their clothes were ragged. Quite a number of them were without coats. I cannot be positive as to whether I ever saw any prisoner arrive there dead or die very soon after arriving there. It seems to me that some died very soon after they got there. I do not remember about any being dead when they were brought there. I cannot say positively if they died before being put into the stockade. I do not remember. I remember that some were sick, but I do not remember whether they died before being put into the stockade. The condition of the prisoners as to health and appearance was very bad.

Q. Did they have anything but what they had on their backs?

A. Some had; a great many of them had blankets, and some had overcoats, and some little cooking implements. I have seen men who had nothing but what was on their backs.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

I know that the prisoners used to trade with my regiment, the fifty-fifth Georgia, while they were on duty. The men of the fifty-fifth Georgia would try to get on the same post near each other in order to trade. They would get together in guard-mounting (I have seen them do it and heard them talk about it) in order to get on the same post to trade, and to prevent the reserves from interfering with them in trading with the prisoners. The fifty-fifth Georgia always had plenty in the way of clothing, boots and shoes. They made money out of the prisoners by trading in that way. They would get on the posts near to each other in order to prevent the reserves from interfering with them. The men of the fifty-fifth Georgia regiment would try to get on posts near to each other, lying together, and then they would trade with the prisoners. The reserves would not be on the post near to them to interfere with them. They could trade without any interference from the reserves. They were pretty well supplied in that way. In December or January I received a supply of clothing and shoes for the reserves there. My regiment had left before. I issued that supply to them.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Cross-examined by the JUDGE ADVOCATE:

I said I went to Andersonville in February. I left there the next February. I succeeded Captain R. B. Winder the 1st of October. I was quartermaster to my regiment part of the time, and then quartermaster for all the troops there. I had nothing at all to do with the stockade or with Captain Wirz. I have seen him passing every day is the reason I know so much about it. I was not a familiar associate with Captain Wirz. I used to see a good deal of him after I was made quartermaster of the post. He would come around to the quartermaster's office; his office was not more than thirty steps from mine. He went there for anything he wanted.

Q. What right had he to go there?

COUNSEL for accused objected to witness answering the question, on the ground that it would be merely his opinion, and

Question modified. Did he come there on official business?

A. Yes, sir. I suppose he would come there two or three times every week—maybe oftener. I would go to his headquarters frequently to see about transporta-

tion, &c.; sometimes two or three times a day; some days I would not go there at all. I did not know anything about his business. I know nothing more than what I heard about the rigors he imposed on the prisoners in the stockade. Whenever I would go to the stockade I would most commonly see him. I have seen him go into the stockade a good many times; I used to go into the stockade frequently myself. I had friends there to whom I carried vegetables. I do not pretend to know what Captain Wirz did while he was there. I know nothing of my personal knowledge as to what he did to the prisoners inside the stockade.

Q. Do you know of your personal knowledge what he did to prisoners outside the stockade?

A. Well, I know that he has had them put in the stocks, and in the chain-gang and such things as that; that is about all I know. No one was permitted to trade with prisoners inside the stockade but the sutler. I never knew of any one ever taking any vegetables and such things in there, unless it was some man who had come down there specially to see a friend; I have known one or two instances of that kind. Captain Wirz let me go in whenever I pleased. Frequently I had some friends in there myself, and then one of the prisoners had an uncle who used to send provisions to me for him, and I would carry them in. In all those cases it was by special permit, and they were special cases, and they were friends of mine. I made that representation to Captain Wirz when I got the permits. Sometimes I would tell him that I had some provisions from a man who had a friend inside the stockade; he had sufficient confidence in me to believe that I would not abuse the privilege, and he never refused me the privilege of going in there. It was not generally allowed. I do not think it was. I do not think any man was allowed to go in there unless Captain Wirz knew who he was, and that he would not abuse the privilege.

THE DOGS.

I know that Captain Wirz had prisoners chased by dogs. I didn't say that no dogs were used there until Turner's were brought there. I say that dogs were used there without being hired; that there were prisoners brought in that had been captured by dogs.

Q. Do you not know that no dogs were used there till Captain Wirz came from Richmond?

A. I do not know about that, whether it was before or after. I could not say positively, because I do not remember, but I remember the first prisoners that were caught by dogs. I do not remember the date; I do not know whether Captain Wirz was there or not. I went there in February; I cannot say how long it was after I went there; it appears to me Captain Wirz was there. I know that Harris was employed there for that purpose; I will not say positively, but I think it was after he brought prisoners in. He brought the first. I do not know that he was employed by Captain Wirz. I saw him about Captain Wirz's headquarters every time he came with prisoners. It was generally known that he was in that business of chasing prisoners with dogs. Turner, the hound runner, applied to me for pay. He told me Captain Wirz had promised him $30 apiece for the captured prisoners, and that he was needing the money. I told him I did not believe he was entitled to it and would not pay him without a special order from the quartermaster general. It was a technical question raised by me, he being a detailed soldier. I never paid him at all. I do not know whether he was paid or not. He afterwards appealed to the commandant; he applied to Colonel Forno, and he came and reported to me that he was entitled to 25 cents a day. Colonel Forno talked about it afterward. At the time Turner applied to me he said Captain Wirz had promised him $30 a head. He did not tell me when Captain Wirz employed him. I do not

remember what time it was he commenced his duties there when he was detailed. I could not state positively.

CONDITION OF THE HOSPITAL.

I procured a few tents for my regiment, and they were afterwards turned over to the prison hospital; they were turned over to Dr. White.

THE SUPPLY OF LUMBER.

My regiment built barracks for themselves. They had no trouble in getting the wood or lumber they wanted for that purpose. The barracks did not have floors—that is, they had dirt floors. They built the barracks of split pine logs. I did not hear a great deal of complaint of the want of facilities for building those barracks. I was not able to get any lumber, but Captain Winder, when he left, turned over to me about 125,000 feet of lumber. I built all the prison hospital that is there now with it. I do not know how long it had been on hand. It came in possibly in the summer months. It was piled up and no use was made of it; and at the same time the prisoners were suffering for want of shelter. When I say I was not able to get lumber, I mean that I was not able to get any but what was on hand, and that was not sufficient. I know that Colonel Persons while there got a great lot of lumber. He got lumber towards the latter part of his stay there. He staid there till some time in June. I know that that lumber was not used for sheltering the prisoners. Let me correct that a little. There were some barracks built inside the stockade, a few, half a dozen or so, and they might have been built of part of that lumber. I do not know whether they were or were not. That would not have taken all of it, nor a considerable part of it. I did not pay attention to that injunction I was served with, to cease taking lumber there. No attention was paid to it. I went right along taking what timber I wanted.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I do not know of any men but Stoneman's being searched there. If any other men were searched I do not remember about it now. I saw all the prisoners who were searched brought in. I did not see all of them when they arrived, by a great many; I only saw the trains on which they came. I never saw them when they were taken off. I was not at Captain Wirz's headquarters when they were taken there. I do not know what was done on those occasions. I speak of one lot of men that were said to be Stoneman's raiders, that I saw searched. It was the first lot of Stoneman's men that came in. I cannot say in what month it was, because I do not know when Stoneman was captured. It was in the summer. I could not give you anything like the time; I could ascertain it. It was some time before I was assigned to duty. I was assigned to duty in October. I would have to guess at about how long it was before that time. I would say about August. I think Stoneman's raiders were brought there in July or August, but it is only guess-work. I did not witness the entire proceeding of the search and the taking away of things there. I saw some of the articles that were taken away from them. I saw some blankets. I do not remember that I saw overcoats. I saw some blankets, shirts, and trousers. They had been taken away from those prisoners. I got some of them to give to a sick prisoner that I had under my charge there; I do not know what became of the other articles. I do not pretend to say that those were the only men that were ever searched or robbed there; I did not say so in my direct examination. I cannot remember if I saw any men searched after that time; I might have seen it, but I do not remember now. I know there was more than one lot of Stoneman's men brought in there. I do not know how many times they were

brought there. I know that I saw articles coming up on other days, and they said they had been searching Stoneman's raiders again. I think I saw the men the days when the search was made standing down there, but I was not near them. I was up at the post; could see them from the post down in the bottom. I do not know what was taken from them at that time. I do not know that they were Stoneman's men at all. It was after Stoneman himself was captured. He had been captured at the time the first search and robbery took place. He was not with the party. He was never brought to Andersonville at all that I heard of.

By the COURT:

I saw that these men of Stoneman's, after they were searched, were marched off to the stockade; I did not see them as they marched off; I think not; I remember seeing them start off; I might have done it or not. I do not know how they were clad at the time they were turned into the stockade.

THE RATIONS.

I do not say positively that the confederate ration was the same as that given to the prisoners of war. I say that as far as I know it was; I know it came out of the same commissary. I do not know in what condition it reached the prisoners. I did not follow the rations to the prisoners. I know they did not receive the same inside the stockade. I know that when the ration was cooked and they received it inside, it was not as good as the confederate soldiers, and not near as much. I know that the condition of the cook-house was such that it rendered the rations almost unfit for use. I know the cook-house was very filthy; they used to knead up the dough in a trough, and it seemed to me as if it was shortened with flies; it was full of flies when they worked it up; they worked it up with a hoe, or something that looked like a hoe, and then afterwards it was baked in large loaves. You could break the loaf open and see flies in it. I never tasted it; I know the prisoners complained of it. It was not baked through and through; it did not appear to be properly done. There were no boards of survey organized at Captain Wirz's instance. I do not know at whose instance they were organized. I know I have been on boards of survey there myself; I was on a board of survey on some rotten meat and bacon; I do not remember the date. It was in the summer, I think, perhaps in July. It was not a very frequent occurrence to organize boards of survey there to condemn provisions; it might have been though, and I might not have known it; I know of two boards there.

Q. Do you not know that a great many provisions were issued to the prisoners of war there that would have been properly condemned by a board of survey?

A. Well, I do not know what they would have done. I have seen provisions that I would have condemned if I had been on a board. I have seen a good deal of beef at different times; I do not know the quanity, but I did not think it fit to eat. I do not remember being on but one board that condemned anything from the commissary, and that was a lot of bacon and meat. We condemned it; it was not fit for anything; it was perfectly rotten. I do not think it was issued again to the prisoners, because it was perfectly rotten and could not be used.

By the COURT:

I don't know of any brick-yards there; they got all their bricks from Macon The cooking and baking was all done under the same roof until they built another cook-house off at some distance.

CONDITION OF THE WATER.

By the JUDGE ADVOCATE:

The order forbidding bathing above the stockade was not obeyed. The stream in which the men bathed flowed through the stockade.

THE DIFFICULTY OF PROCURING TOOLS, AXES, ETC.

Negro laborers were procured for the purpose of building trenches and laboring in the stockade. I never had any difficulty in getting all the negro labor I wanted; I never had any use for negro laborers. When requisitions were made for them I suppose they were obtainable; I think the planters volunteered and sent in their negroes by request of General Winder; I do not think he impressed them. It did not become necessary; I know as a fact that there were plenty of negroes in that neighborhood.

THE POWER OF CAPTAIN WIRZ TO GRANT FURLOUGHS.

I do not pretend to know all that went on at headquarters with regard to granting furloughs. I was not a staff officer at headquarters. I had nothing to do with furloughs—who received them, and what cause was assigned for them. I know nothing about it only from what I heard. I heard of a furlough being granted to a confederate soldier for shooting a Union prisoner; I never knew it. I heard such rumors in camp among our own soldiers.

By the COURT:

I saw the transportation orders after they were signed by Captain Wirz. I always had them signed by him before I issued transportation. They were signed "H. Wirz, Captain and A. A. G." I do not know whether "by order of General Winder" or only "Captain and A. A. G." He might have signed "by order of General Winder." We understood him to be adjutant general to General Winder at that time. That was during my stay there from October till February.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

By the JUDGE ADVOCATE:

I could not pretend to fix with any certainty the time when Captain Wirz was sick; I know that he and Lieutenant Davis were on duty together, but I do not know whether they were on the same duty or not. They both visited the stockade together. I think they used both to be together there and about his headquarters. While Captain Wirz was sick I conveyed him from his headquarters to his house in an ambulance. In September General Winder ordered me to succeed Captain Winder as quartermaster, and I had charge of the transportation; and when Captain Wirz was sick I was ordered to send an ambulance for him. I never carried him backwards and forwards. I only ordered the ambulance to go after him. He had control of the ambulance while he was using it. He would tell the driver when to come after him and when to carry him backwards and forwards. It was not regularly turned over to him, only he had the use of it. There were two ambulances there. Neither of them belonged to my regiment; they belonged to the post.

THE CHARGES OF MURDER AGAINST WIRZ.

I remember seeing Captain Wirz all summer nearly, having on white pants and in his shirt sleeves; I do not know what he wore when I did not see him. I have seen him with a confederate uniform on. I do not remember seeing him during the summer months with a uniform on. He always had on white pants when I saw him and was in his shirt sleeves.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

Q. You say he was crippled in his right arm. Do you not know that he uses his right hand to write with, to use the pen?

A. Yes. I think he uses the pen with his right hand. I do not think he could use his right arm well. I have heard him complain of it. I never noticed him riding with the reins in his right hand. I never noticed which hand he used. I have seen him riding when he carried a pistol and held the reins at the same time. I do not know which hand he used to hold the reins or pistol with. I don't think he had the reins and pistol in the same hand; I never noticed his being incapacitated entirely to use his right hand. I do not know how much he used his right hand. I never noticed particularly about his using it. His being crippled in the right hand never struck me as being remarkable from his use of it. I never saw him have occasion to use it except in writing, and it is my recollection that he then used his right hand.

THE CHAIN-GANG.

Q. You say you never saw but one chain-gang?

A. Well, it might not have been the same chain-gang that I saw. The time I saw the prisoners in the chain-gang might have been before General Winder came there. I did not say whether it was or was not; I cannot say positively when it was. I do not remember the date, for I never changed my mind with it.

SHOOTING OF PRISONERS BY THE GUARDS.

I never heard of prisoners of war escaping over or breaking through the stockade; all I know is that where the stockade crossed the branch the ground was boggy and marshy, and the stockade was not fixed tightly in the ground. I know it was washed down, and I thought that was a weak spot.

THE SUPPLIES FROM THE NORTH.

Q. You spoke of seeing boxes arrive there for the prisoners, containing you did not know what. What knowledge have you from your own personal observation on that subject?

A. Well, I saw the boxes arrive.

Q. When?

A. I could not tell the month.

Q. Was it after you were assigned?

A. No, sir; it was before.

Q. Was that the only time you ever noticed any boxes arrive?

A. I saw sanitary boxes come there.

Q. Were they empty?

A. No; full.

Q. Well, then, what boxes do you speak of?

A. I speak of boxes of provisions.

Q. Sent by citizens?

A. I suppose sent by citizens to their friends.

Q. Then you do not refer to provisions sent by the sanitary commission at all?

A. I do not know whether the things were sent by the sanitary commission—they just came in boxes. I supposed they came from the friends of the prisoners north.

Q. What marks had they on them?

A. The names of the persons to whom they were addressed—Union soldiers.

Q. Did you open them?

A. No, sir.

Q. Did you see them opened?

A. I was passing by there and saw the men opening them; they had them in a little back room in the commissary building.

Q. Do you know how long they had them there before they were opened?

A. They staid there a week or two.

Q. You do not know but that they were robbed of their contents while in the store?

A. No, sir; I believe they were.

THE CHARGES OF MURDER AGAINST WIRZ.

By Counsel:

I never knew Captain Wirz to shoot or beat a prisoner so that he died while I was there. Captain Wirz's horse was an old gray mare. I never saw him ride on sorrel or roan horse or knew of his having one there.

THE DEFICIENCY OF TRANSPORTATION.

By the Court:

Q. You say that there was not enough of transportation there. Could they not have built mere wagons?

A. There was no reason why they should not.

THE SUPPLY OF LUMBER—TREATMENT OF THE DEAD.

September 30, 1865.

Samuel Hall, recalled for the defence:

I live at Macon, Georgia. I had no official standing in 1864. I was employed as an attorney by government officials to attend before the State authorities to matters of litigation, in which they were interested, as I would have been by any other client. I was not employed by Dykes. I was employed to represent the defendants in that bill. There was a bill filed by Dykes against Colonel Gibbs and Captain Wright in which an injunction was sought to prevent the government or to prevent those parties from using the burial-ground and from cutting wood and timber from off Dykes's land. He alleged in that bill that they had appropriated his land without authority; that they had taken a great deal of wood away from him; that they had made him no compensation for it; in fact, that he was robbed. He alleged that the graveyard, from the manner of the burial of the dead, was a nuisance. When the bill was presented to the judge for his sanction, he wrote an order on the back of it, requiring the defendants to show cause why an injunction should not issue. I answered the bill for them, procuring affidavits, appeared before him and showed such cause as I was able to show. The hearing of it was postponed to enable me to get the testimony of some other witnesses, the affi lavits of some other witnesses, and after it was postponed, Dykes dismissed his bill voluntarily. It was stated that there were other parties concerned in it with Dykes. I went to those parties and they denied it. I took proof to the effect that that field in which the prisoners were buried was a burying-ground before the war, and that citizens had been buried there, and that the ground had been dedicated to the public use. I went out there to that ground and I saw signs of graves that must have been there before the stockade was put up. I think the confederate dead were buried in the same field, at some distance apart, however; by themselves; it was pointed out to me. I know the circumstances with regard to the termination of that suit. The officers at the post, Wirz among the number, urged me to get the government to pay those claims, and let them go on getting wood. I went to this man, Dykes, and promised—and not only promised him but promised men by the

ame of Colman and Hobart, who owned land around there—to use my endeavors o get their pay from the government. I wrote several letters on the subject, ut got no answer to them. I wrote to General Winder, and I wrote to the uartermaster general at Richmond.

PPEAL OF GENERAL WINDER FOR LABORERS, TEAMS, ETC., TO COMPLETE THE FORTIFICATIONS AT ANDERSONVILLE.

I never knew any negroes to be impressed to go to Andersonville. General Winder made an appeal which I saw published, sticking up, saying that he had uthority to impress and he would use it, and making certain propositions to the lanters which they deemed advantageous to them, and they sent forward negroes ndtools, and teams and wagons, without any impressment. I think it was in the nonth of July. It was before I ever visited the post at Andersonville, I know. Captain Wirz had no authority that I know of to impress negroes, unless it had een conferred on him by the authorities at Richmond.

Q. What were the litigation and the decisions with regard to that impress- ient law in Georgia?

A. Well, the supreme court of that State decided twice that one portion of t, compelling a party to part with his property at the valuation set upon it by State commissioners, was unconstitutional, and that feature of the law fell before hat decision.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

The crops in 1864 were short. Nearly the entire wheat crop of that section f the country was lost or damaged in consequence of the excessive rains in une. A drought succeeded to that and it cut the vegetables short. There was n appeal made to send vegetables to Johnston's army, and it was with great ifficulty that they could be procured; in fact, the cabbages, collards, and things f that sort, before the month of September, rotted in the gardens, and were ffensive. That was in 1864.

Q. Could any considerable portion of the demands for Johnston's army be upplied or was it?

A. Well, I do not know to what extent he was supplied. I know there were reat efforts made to send vegetables to his army. The soil about Anderson- ille is a poor pine barren.

Q. How many acres of land would it take to raise a bale of cotton there?

WITNESS. What, right around there?

COUNSEL. Yes.

A. I do not know. I would not like to undertake to say. No land in the ountry would yield ten bales to an acre. Well, I suppose it would take ten cres of that land round there in the immediate vicinity of Andersonville to aise one bale of cotton. It is a mere matter of supposition though. I know bout raising cotton. I have raised it. There is no cotton raised in the country round there. It is not a wheat country. The chief value of that land im- nediately around Andersonville consists in its timber; they can cut it down and ell it to the railroad for fuel or cross-ties. I do not know anything about the nills in the immediate vicinity of Andersonville. I live about 10 miles from there. Right around me there are four mills, two of them pretty good mills and the thers small.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

Q. What was the law in relation to "greenbacks?"

A. There was a Confederate States statute, and there was a statute enacted by the State legislature, both very stringent ones, prohibiting the circulation of he currency of the United States, making it a fine and penitentiary offence for

any one convicted of trading in them or circulating them, giving them currency in any way in the Confederate States. There was an exception allowing government agents to collect this currency for the use of the government, and when it was obtained by a sutler he was required by an order to turn it over to the quartermaster. I got some greenbacks once, under General Winder's order, to be sent to a friend of mine, who was in prison at Fort Delaware. I never saw them. They were sent through Colonel Ould, commissioner of exchange.

I never prosecuted but one officer for evading that law, and that was a surgeon. I prosecuted a good many citizens, at the instance of the military authorities, who were not amenable to the military law, and several soldiers. Captain Wirz never applied to me in reference to greenbacks. He applied to me to prosecute some men there who had been appropriating provisions and things of that sort belonging to prisoners, and I took out a search-warrant for him to find the stolen property. I think none of it was found. I think the warrant was unavailing. I saw orders stuck up there with General Winder's name signed to them embodying those statutes of the confederate congress and of the State, and saying that they would be enforced against any one who violated them.

ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Q. What do you know about Captain Wirz being sick in August, or at any time?

A. Well, the first time I ever saw Captain Wirz in my life, I think, was in the month or August. He had the appearance then of having recovered from a spell of sickness. He was feeble and emaciated. When he was taken sick, or how long he was sick, I don't know.

THE DOGS.

Q. What is the law in relation to the employment of dogs to search for prisoners and such like in the State of Georgia?

A. There is no law on the subject of hunting prisoners in Georgia. Dogs are used for tracking felons, violators of the law, and for tracking runaway slaves. By the laws of Georgia you cannot pursue anybody with ferocious, savage dogs.

The JUDGE ADVOCATE. We do not want a judicial opinion. Tell us the authority.

A. It is a statute of the State and a decision of the supreme court on that statute to which I refer. It is the 18th volume Georgia reports; the case of Morgan *versus* Davis. I argued the case before the supreme for the counsel for the plaintiff in error, who was absent.

The JUDGE ADVOCATE objected to the testimony as irrelevant and immaterial, to say nothing of placing men who fought for their country on the level of common felons.

Mr. BAKER contended that the evidence was proper. He wanted to show by this witness that dogs might be by the laws of Georgia used to track colored people and prisoners.

The WITNESS. I stated distinctly that I knew of no law covering this case.

Mr. BAKER said that he wished to get from this witness such facts as he could get bearing on that point, and that he would finally show that by the laws of the United States, the use of dogs for such purpose was authorized; that the United States government was the first to authorize and command the use of hounds to track human beings in this country.

General THOMAS. I suppose you mean in Florida.

Mr. BAKER. I shall trace it to several places, and I shall follow that up by showing that these people were bound by law to do what they were commanded o d o by their superior officers.

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After deliberation, the decision of the court was announced, sustaining the bjection.

Examination resumed:

I do not know any laws in reference to the recapture of prisoners. There vas a law forbiddihg the inhabitants to entertain or harbor our prisoners. There vas a State law against it, making it a capital felony. I have never seen prisoners vho were brought back to Andersonville searched there. I never witnessed ny searching there. The fact never came to me officially. I only know of nat from what others told me. I know nothing in the world about the effort f Captain Wirz to exchange the prisoners, or anything of that sort, except vhat Captain Wirz told me.

CHARGES OF MURDER AGAINST WIRZ.

I was not often at the prison; I was at the post frequently.

Q. Did you at any time know or hear of Captain Wirz shooting or beating a risoner with a pistol, or killing him in any other way?

A. No, sir; I never heard about that. It was not my business to search into . Any testimony that I can give on that subject is merely negative. I saw aptain Wirz riding a white mare.

Q. You know how to prove that a thing was not done; is it not always proved y negative testimony?

The JUDGE ADVOCATE objected. It was for the court, not for the witness, to ecide that.

Objection sustained.

Cross examined by the JUDGE ADVOCATE:

I do not know how often I was at Andersonville. I may have been there venty times. I never went there unless I had business. All my observations nere were based upon these twenty visits—I do not think they exceeded that umber. I did not always see Captain Wirz when I went there. I cannot ay the number of times I saw him. I most generally saw him there. I know othing in the world about the management of that interior prison.

THE SUPPLY OF LUMBER.

Q. You spoke of Captain Wirz having interfered to induce Mr. Dykes to ithdraw his application for an injunction; was that on behalf of rebel soldiers ho were getting wood there?

A. No, sir. They all interfered, so that the prisoners and the troops, I suppose, ight be furnished with wood. There never was an injunction granted. There ever was an impediment to their getting wood, so far as I know. The appli- ation was made for an injunction, but it was never granted. I know of no mpediment against getting all the wood necessary for the use of that prison.

PPEAL OF GENERAL WINDER FOR LABORERS, TEAMS, ETC., TO COMPLETE THE FORTIFICATIONS AT ANDERSONVILLE.

I did not say there was no authority to make impressments there. I said nat General Winder had authority, as he stated in his card, to impress those egroes. There were pretty liberal laws enacted by the confederate congress n that subject, giving officers large powers to make these impressments. I uppose General Winder could have gotten the authority from Richmond, if he esired to exercise it. I do not know the extent of the authority. I do not retend to know what authority Captain Wirz had by reason of his being a taff officer to General Winder. In fact, I do not know, of my own personal nowledge, that he was a staff officer to General Winder.

Q. You have said something about a Georgia decision on the subject of impressment?

A. Yes. I said that one feature of the act of the confederate congress, requiring parties to accept the price placed on their property by State commissioners, was unconstitutional. The rebel government paid attention to the Georgia decisions, for it afterwards repealed that feature of the law. I know that the rebel officers impressed horses and provisions after that time up to the close of the rebellion.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

I mean to include, by the term "right around Andersonville," when speaking of the fertility of the soil, within a mile or two around it. I did not make any remark applicable to any further extent of territory.

Q. You said something about the failure of efforts to send vegetables to Johnson's army on account of want of transportation?

A. No, sir. I said that it was a very disastrous season on vegetables; that numbers of them, about the month of September, rotted in the gardens, and became offensive. I mean that they rotted when they were maturing. I travelled pretty extensively through that country around, and I saw this thing in several localities. I do not know whether sufficient vegetables could not have been taken to Andersonville prison to have prevented the great mortality there. I say this, that there might have been, with proper exertions, vegetables carried there in sufficient quantities to have alleviated some of the sufferings among those prisoners.

TREATMENT OF THE DEAD.

I spoke of confederate and Union soldiers being buried in the same field, but not in the same part of the field. The grave yards were distinct. I only know the manner in which they were buried from outside appearances. I saw none buried.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

The circulation of United States currency was prohibited in my State. The Confederate States made an exception in favor of the government. I do not know whether that exception was made in the case of prisoners at Andersonville. The exception in the statute did not point out sources from which agents might furnish themselves. Government agents might purchase for government account. Military officers were not allowed to purchase unless they had special authority.

Q. If I should show you a letter from General Winder, giving Captain Wirz authority on that subject, would you say that that was an assumption on the part of General Winder to attempt to regulate the matter?

A. I do not know, because I do not know what General Winder's instructions were. I cannot say whether it would be a violation of the law; it would be a violation of the State law. That had no exception in it. The exception is in the act of the confederate congress.

Q. Allowing government agents to purchase?

A. No, sir; it does not say that; it says that the government may collect supplies of that currency sufficient for its own purpose. It does not say whether it is to be done through civil or through military officers. I am not certain about the language. I speak from my impression. My impression and my recollection is that it gave this authority to the government, without prescribing the particular method. Captain Wirz applied to me to arrest certain men. It was in December, 1864, or January, 1865. One of them was a man named Duncan—the same Duncan that has been in court. The charges made against him were appropriating supplies that were sent there for the use of the prisoners—molasses, sacks, and grease.

Q. Was not that application on the part of Captain Wirz made after a detective by the name of Wetherford had come there and investigated the circumstances?

A. I think he spoke to me prior to Wetherford's arrival. Wetherford went there and made this discovery. My recollection is that Captain Wirz spoke to me about it before Wetherford went there; I know after he went there, Captain Wirz spoke to me about it.

Q. But you are not certain about this fact—you give merely your impression.

A. It is an impression—a pretty strong one. A man named Humes was also complained of. I do not know that he is a witness in this case. I have not seen him here. I do not recollect any one else that was complained of in that transaction. There was a man of the name of Dykes complained of in another transaction, and also a man by the name of Briggs. It is not the same Dykes we have been hearing about to-day. It is not that Dykes that was examined here a day or two ago. Those are the only persons that I remember now that were complained of.

THE CREDIBILITY OF THE WITNESS, SAMUEL HALL.

I was a secessionist about the time this rebellion broke out and remained so until the close of the rebellion. During the rebellion I did all that I could to support the rebel government. Since I have been here I have not acted in the capacity of a *quasi*-counsel for the accused.

Q. Have you ever given any opinion on the law, or on the facts of the case, or suggested the proper defence to be made?

A. I have been asked questions about it and have answered them. I have been asked questions about the law. I have been to Mr. Baker's office; not frequently—three or four times. I went with him to the library of the Supreme Court. I went to point out the decision of Judge Lumpkins to which I referred. I am not retained in this case.

Mr. BAKER to the judge advocate: Had you not better indict me?

The PRESIDENT. Mr. Baker, you must not get up a conversation of this kind. Do you make an objection?

Mr. BAKER. I do object to this kind of examination. I object for the purpose of calling attention to this point.

The PRESIDENT. Are you sincere in your objection, or do you make it simply that you may make some remarks?

Mr. BAKER. I make nothing but serious objections. In the first place I object to this as improper, because I have said nothing on this point in my direct examination, and the judge advocate has no right to call out anything in the cross-examination which has not been alluded to in the direct examination. In the next place, this is the first witness put upon the stand on the part of the prosecution whom there has been any effort made to reflect upon, and though many witnesses have been produced for the prosecution, who, the court knows, were open to reflections of that kind, not one sentence came from me reflecting upon any of the witnesses in any way.

The JUDGE ADVOCATE. The gentleman does not seem to understand the status of witnesses as they come here for the prosecution or for the defence. The gentleman says he did not attack the credibility of the rebel witnesses, and therefore the government must not do it; whereas the gentleman knows very well that the presumption is that those who were in sympathy with the South, were also in sympathy with this defendant. That is the presumption; and on that the prosecutor has the right to attack, not the credibility, directly, but the probability of the witness coloring this testimony one way or the other. So far as disrespect of this witness is concerned, I think he may regard my questions rather as an honor than otherwise; and if the counsel produces witnesses who were high in authority in the rebel government, he may expect severer criti-

cism than that to which this witness has been subjected. I have the right to ask this witness whether he has committed a crime. I have the right to test his credibility and his respectability; and I give the gentleman notice that, when I deem it proper, I shall attack witnesses in that way. If the gentleman did not do his duty in that particular, I am not responsible for it.

Mr. BAKER. The judge advocate has the right to do anything of that kind; but that must go to the credibility of the witness. When he comes to investigate my character as counsel for this prisoner, I object to it, and say he has no right to touch it.

The JUDGE ADVOCATE. My question did not touch you.

Mr. BAKER. You should not ask this witness if he has been with me and has been consulted upon law points in this defence.

The JUDGE ADVOCATE. I do it to show his sympathy with this case.

Mr. BAKER. No matter what sympathy he may have; so long as the question concerns his intercourse with me, that intercourse is sacred, and you have no right to touch it.

The JUDGE ADVOCATE. Your office must not be considered a *sanctum sanctorum.*

Mr. BAKER. Everything connected with the counsel in the discharge of his duty towards his client is sacred, and I appeal to the court to stop that kind of examination.

The PRESIDENT. Every person knows that it is the custom among lawyers to examine witnesses privately in advance of the regular examination, and the court does not see that the counsel should take offence at the inquiries of the judge advocate.

Mr. BAKER. I object because there is so much lugged in there that has no relevancy whatever to the case, except as it goes out and appears in the newspapers, in some instances very unkindly put.

After deliberation, the objection was overruled.

By COUNSEL:

Q. Have you in any way acted as counsel for Captain Wirz or adviser in any way?

A. I have not acted as counsel. I have not advised how his defence should be shaped. I do not think I have intimated in any way anything about his defence more than in conversation as a witness.

Q. In going to the library with me, was it anything more than to show me a volume in which that decision is reported?

A. That was all.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I cannot fix the time when Captain Wirz was sick. I do not know how long he was sick. I did not visit him. I saw him at the post; I think it was in the middle of August, between that and the latter part. He had not recovered; he was recovering from his illness. I do not know that he was on duty then. I saw him at the provost marshal's office. He was on horseback. He wore white pantaloons; he was in his shirt-sleeves; he had a pistol belted around him.

SHOOTING OF PRISONERS BY THE GUARDS.

SEPTEMBER 30, 1865.

W. D. HAMMACK, for the defence:

I live in Randolph county, Georgia. I was in the confederate service in the summer of 1864. I was in a detachment of the fifty-fifth Georgia. The regiment had been captured and there was then formed a sort of detachment of the

men who were not captured. Those that were not captured at Cumberland Gap went to Andersonville; about 75 men got there when we were first ordered to report, and we kept recruiting up until there were about 200 men when we left. I was on guard around the stockade twice. I went to Andersonville on the 14th of February, 1864, and left on the 7th of April, 1865. I was over a year there. I was detailed on the 9th of July, 1864, and reported to Captain Wirz next day.

Q. What were your duties before you were detailed and where were they performed?

A. I had been sick a portion of the time with bilious fever, and I was a portion of the time on picket duty. That was the biggest portion of the time. I stood guard twice at the stockade before I was taken sick. I did not shoot prisoners at Andersonville. I saw a man who was shot, but I did not see him shot; I saw him directly afterwards. I have seen other men shot besides that one. I heard of it and I saw the men. Captain Wirz never ordered me to shoot prisoners, nor did he ever promise me or give me a furlough for shooting a prisoner. When I first went there prisoners prepared to undermine the stockade one night before the dead-line was established. I did not go out. I was sick in my tent; but I know that my regiment went out (To the court.) I went there in February, when the stockade was about two-thirds completed. Some prisoners got there about the 20th of February. I do not know how long after I got there that this occurred; I suppose it was three or four weeks. That is the only instance I ever knew of. The establishment of the dead-line did not have anything to do with that breaking out, because it was not put up at that time. I do not know how long afterwards it was put up; it was probably three or four weeks after that time that the dead-line was put up. When we had orders Captain Wirz would order us to read them to the nineties inside the stockade; sometimes we would give them to the sergeant of the ninety to read, and if we had enough, we would give each division a copy. All orders connected with the prison were published in there. I did not know anything about any orders being given in relation to particular parts of the stockade. I never received any orders or directions in regard to the stockade—if it was broken down in certain places. No such orders were given to the sergeants generally that I know of. There was a general order there that prisoners should not cross the dead-line.

Q. Were certain portions of the stockade supposed to be weak, and were there any orders in relation to them, that they should be guarded more particularly than other portions?

A. No, sir. The weakest portion of the stockade was where the brook runs through it, I suppose. It did not wash down where the brook runs through it. It washed down above where the brook runs through it between that and the north gate. This was in June, I suppose. I know that a portion of the stockade was washed down. It was only on one side. It was on what I call the north side—the side where the brook runs in. I never went below the stockade, and if it was washed down below I did not know it. The soldiers in camp would fire off their guns a good deal at night, because there was a positive order forbidding them from firing off their guns, and they would take advantage of the night when they could not be arrested. There was an order to arrest men for firing off their guns.

Q. Was it or was it not done to a considerable extent?

A. Right smart. I have seen some wounded prisoners arrive there—those that I spoke about being sent to the hospital. They had gunshot wounds, I suppose. I saw no sick emaciated, or anything of that kind. I do not know how many wounded there were in the squad that arrived at that time. There might have been fifty or a hundred, or may be two or three hundred. I do not know how many.

STOPPAGE OF RATIONS.

I received orders to report to Captain Wirz for duty on the evening of the 9th of July. He assigned me to call the roll inside the stockade. I continued on that duty until the prisoners left to go to Millen. My instructions were to call the roll and have every man present at the roll-call. This was in the first organization of the camp. There were ninety men in a mess, and three nineties constituted a division. Each ninety had a sergeant, a Union soldier. It was his duty to have all his men at roll-call by the time that I got in to attend to the roll-call. If he had all the men there I would just count them. Our instructions from Captain Wirz were to call the roll, but I could not pronounce the names of so many. I merely counted the men. At that time the stockade was badly crowded, so there was only a small streak to fall in. If all the men of a certain squad were not present the sergeant of that squad could hold up his hand and motion to another sergeant, who would let some of his men fall in. I did not know the men.

Q. Was that the way they managed?

A. They did manage in that way right smart, but sometimes we would catch them at it, and——

The JUDGE ADVOCATE. And what?

WITNESS. I never did anything to any of them, but I have known some of them to be put in the stocks for it. Sometimes a sergeant whom I knew would tell me that one of his men was sick in one portion of the stockade and one sick in another, and so on, and that those men would make his number right. I would take his word for it. The duty of the federal sergeant was after roll-call to take their sick out to the south gate to sick-call. If any died inside of the stockade it was their duty to have men detailed from their ninety to take them out. It was their fault if they were not taken out. Some made their escape when the sergeant reported them as sick, and were gone for a few days, but we found it out generally in the course of three or four days. The sergeants could have reported them right along in the way I have mentioned. I would keep the squad waiting sometimes five minutes and sometimes no longer than I could count them. As soon as the number was ascertained to be correct I would dismiss them, except the camp was going to be organized. They reorganized the camp twice, I think, before they moved the prisoners to Millen, and then the order was for the men to stand in the ranks at the place where they answered the roll-call until the whole stockade was called over. That was reorganizing. That occurred twice, I think, from the time I went there until they were sent to Millen. I think no more. Our orders were that if their number was not correct, and the sergeant could not account for them, we were to just go along and leave them standing there until they got correct; until they were correct. I did not keep them standing ever after they were reported correct by their sergeant. I don't know what other sergeants did. I know I did not. I called the rolls of six divisions, and there were three nineties in each division—eighteen nineties altogether.

Q. Did you ever, of your own knowledge, know squads to be deprived of their rations when they reported their number as correct?

A. Well, that was the order. I don't know that I ever knew of any squad that lost any rations on account of any men that were not present. The order was that if they could not account for the men they would lose their rations. The reason for the order of roll-call was to make out a report by which to issue rations, I suppose, and to see that the men were all there. No other reason that I know of. Prisoners have drawn rations in two or three squads. They were called "flankers." They would manage it in this way: They would answer in two or three different divisions at roll-call, and they would get rations whenever they answered to their names, until they were caught at it. If the pris-

oners had to wait any length of time they were allowed to sit down during roll-call. Captain Wirz never went into the stockade while I was on duty under him, to my knowledge, to call the roll. The sergeants inside the stockade had navy revolvers. They did not carry muskets or anything of that kind.

TREATMENT OF THE SICK.

I always supposed that the sergeants inside the stockade attended to finding the sick and the dead, and took them out if they were not able to go themselves to sick-call, though I have seen sergeants that would not take their sick to sick-call.

Q. When they carried their sick down what was the rule or practice in regard to those who were most dangerously sick?

A. There was no rule about it; they all went together; those that were sickest went along like the balance. It was the duty of the sergeants of the nineties to take those who were not accepted by the doctor back into the stockade. They did get medicine for awhile; they would be prescribed for; they would be taken to sick-call in the morning and they would get medicines in the evening.

Q. Where were the newly-arrived sick sent? Into the hospital or the stockade?

A. There were some wounded men sent into the hospital, and then some who were sent into the stockade. I think the sick were generally all sent into the stockade first, with the exception of those who were wounded. A good many came down there wounded. I do not know what was the reason of it. I know that they could not be sent to the hospital until they were examined by the surgeons, and there would have to be a special order for the surgeons to examine them before they could go into the hospital.

Q. Was that the reason why they were sent into the stockade first?

A. I suppose so.

The JUDGE ADVOCATE. You need not give any of your suppositions.

There were no nurses in the stockade when I was on duty there.

Q. Connected with the stockade or hospital?

A. I do not know anything about it.

Q. Do you know anything about nurses in the hospital going after pine straw, wood, poles, or anything of that kind, for the hospital?

A. I did not have anything to do with the hospital. If such a thing had happened I would not have known of it.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I know that some men who were called "Stoneman's raiders" were searched, and one squad before that. I don't know where they came from; their knapsacks were taken from them; I think there were about 170 knapsacks. I never received any orders from Captain Wirz to take away any man's blanket, clothing, or anything of that kind, or to deprive a man of any other comfort that he had, unless they were "Stoneman's raiders." The order was to take away from them everything we supposed they had taken away from citizens in passing through the country. We had no orders to take away anything that was their own or United States government property, with the exception of money. We had orders to take their money away from them; nothing else that belonged to the prisoners. I never knew of anything else being taken away from them. We took the money and such things as we supposed they had taken from the citizens in passing through the country—knives and forks and spoons. I have seen a great many of those things taken away from them. I think there were some daguerreotypes taken; I don't know how many. They were generally silver forks and spoons. The things taken away from these men were put in a large box and put on a wagon, and, I suppose, carried to the quartermaster. I

never saw Captain Wirz search any one. I understood the orders to search "Stoneman's raiders" came from General Winder. I was present when the prisoners came in to some extent. Stoneman's men were searched at what we call Castle Reed. That was between the branch and the depot. I suppose it was some 350 or 400 yards from Captain Wirz's headquarters. They were not searched near any quarters. The confederate guard-house was Castle Reed. They had watches in the stockade, and I suppose they could tell the time. I have seen a good many watches in there; I do not know how many I ever saw. I cannot say whether the prisoners generally had them.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The sergeants of the squads inside were elected just like captains are elected, by their own men. They had a chief of police in there. The men themselves elected him. They elected their police just as they would any other civil officer. The duty of the police inside was to keep the camp clean. I cannot say whether they could have done it or not. I understood that these policemen and the others who were elected got double rations.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

I frequently took provisions and clothing and money into the stockade. There was an order prohibiting it, though, and whenever I carried in anything I would have to put it in my coat-pockets; I would have to conceal it. I was not allowed to take in anything. I was sergeant at the gate for a long time, after the prisoners went off to Millen, and when there were, I suppose, between five and seven thousand left. Very frequently they would come to me with blankets to carry in and I would let them hand them in, but there was an order prohibiting it, unless they got an order from Captain Wirz.

Q. Were you ever sent by Captain Wirz to carry them in, and did you take receipts?

A. Yes, sir; there were receipts taken; we only took receipts for money. When I took in provisions or clothing to any men I never took any receipts for them. The order was for any person who wanted to see Captain Wirz to drop a note in the letter-box, and it would go up through a regular channel and be examined by his clerks, and if his clerks thought it of any importance they would keep it and show it to him, and then the man would be granted an opportunity of seeing him. It was done to some extent.

THE SUPPLY OF WOOD.

The wood guard complained about having to do so much duty; they said they were on every other night and every day. They would quarrel about it and go out in the woods and lie down and stay out there; they would take the prisoners along and all lie down together. As many squads went out for wood as we could get guards for. The order was for one man to take charge of three prisoners.

CONDITION OF THE WATER.

Forty-four shovels were given to the chief of police there when there were only between five and seven thousand prisoners there, and he was to give them to the sergeants of the hundreds. The last time the stockade was organized the prisoners were organized into hundreds, five hundred constituting a division. They kept the shovels, and they did not return them to some extent. Sometimes we could not get them all out at night. The order then was not to let those that were got out go in any more till they returned those that had been kept in over night. They might dig tunnels or they might dig wells with those shovels that they kept back.

Q. (By the JUDGE ADVOCATE:) Are you stating what you know?

A. No, sir.

There were a good many wells in the stockade. There were some pretended wells dug for the purpose of getting out. They would dig down some ten or fifteen or perhaps twenty-five feet like a well, and at the bottom they would make a tunnel out of it; they would use it for a tunnel instead of a well. They were not to my knowledge prevented from having shovels frequently on that account, because they were digging tunnels with them. I had control or charge of the axes and shovels for the prisoners when I was at the gate; perhaps one month, or it might have been longer. In the morning we would let them go into the stockade, and would get them out in the evening and set them out by the gate, until the guard stole all our axes; they stole all that we had. We had a place to lock them up for awhile, but we lost the lock; I don't know what became of it; and they got hold of our axes. The guard got them.

Q. (By the JUDGE ADVOCATE:) The rebel guard?

A. The rebel guard. The sentinels around the stockade, I judge.

Q. (By the JUDGE ADVOCATE:) Do you know anything about that?

A. I know that the axes were gone.

It was a long while before axes and shovels were sent to the stockade. I don't know whether they could get them or whether they could not. I don't know whether Captain Wirz made exertions for that purpose.

Q. What do you know about your guard being supplied with axes and tools?

A. If they ever drew any from the quartermaster I did not know it.

The JUDGE ADVOCATE objected to the mode of examination. It was clearly cross-examination, not direct. Almost invariably suggestions were made to the witness, to which he was expected to reply.

Mr. BAKER. I merely indicate to the witness the subject about which he is to testify.

The PRESIDENT, (to Mr. Baker.) Of the fact of your cross-examining this witness on Saturday there can be no question or dispute. A mere reference to the record must satisfy any one that that was improper in a lawyer. Counsel must know that as well as the court. There are certain cases in which leading questions may be put to an unwilling witness, and in such cases the court will allow a fair latitude. But the necessities of this case, the question of time, and the great expense of this trial to the government, require the court to rule down counsel to a strick compliance with the law.

Mr. BAKER. That I intend to observe.

The PRESIDENT. The court hopes that you will.

Mr. BAKER. I intend to confine my witnesses right to the point. That is the reason why I ask questions that suggest the subject, not the answers.

Q. Do you know anything about the depriving of prisoners of axes by your own guards?

A. I know axes were taken away from the gate by the guards

THE STOCKS.

Q. For what offences, so far as you know, were men put into the stocks?

A. I understood——

The JUDGE ADVOCATE. State what you know.

WITNESS. Well, I don't know. I saw one pair of handcuffs there. Those were on the gate. That is the only pair I saw, with the exception of a pair that Wetherford had. Those were for himself; he always carried them in his pocket. He was a detective. I have seen the stocks standing empty for some length of time; I cannot say how long.

THE DOGS.

I never saw or knew of Captain Wirz going with the hounds at any time. I never saw the dogs sent after confederate soldiers. Turner had a pack of dogs at the post and there was a pack in the country; I have seen those hounds, but I do not think they belonged to the post. Those dogs of Turner's were common fox dogs. I suppose I never knew anything about a man who had been bitten by dogs dying at Captain Wirz's headquarters. I never heard of such a thing; not while I was at Andersonville.

THE CHARGES OF MURDER AGAINST WIRZ.

Captain Wirz's horse was a gray mare; I never saw him ride a sorrel or roan horse I never knew of such a horse belonging to him being about his quarters, not of his. Captain Wirz generally wore in the summer months a white pair of pants and a round coat; I suppose that it was a coat that he got in the regiment while he was a private or sergeant or something; it looked as if it had been a government coat; it had gold lace on the sleeves and stripes on the collar; when he got to camp he would generally pull that off, or when he got to his headquarters. He would generally have on then white pants, and I don't know the color of his vest. He would always pull off his coat; he would not be in his shirt sleeves; I think he always wore a vest. Other persons rode his old gray mare. I think there were three that rode her right smart. They were Lieutenant Allman, a fellow by the name of Smith, and one by the name of Stafford. By "right smart" I mean two or three times a day. I don't think anybody could get his horse when he was not there, unless it was Lieutenant Allman. I don't know about it.

Q. Did you ever know about Turner and some of the sergeants riding that mare?

A. Yes, sir; Turner rode her.

Q. (By the JUDGE ADVOCATE:) Did you say the sergeants rode her also?

A. Smith and Stafford were sergeants and they rode her.

Q. Had or had not Captain Wirz difficulty for a while in getting on his horse?

A. I don't remember whether it was just before Davis took command or just after Captain Wirz came back, but he was very weak and we would help him on his horse of evenings when he would start; we would get him on a chair and then help him on his horse. I don't remember whether it was just before or just after Davis took command.

I never knew Captain Wirz to shoot or beat a prisoner so that he died while I was there. I never heard of it while I was at Andersonville.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I know something about Captain Wirz being absent for a time. He left there some time about the last of July; Davis took command some time about the last of July, and Captain Wirz did not return till perhaps the last of August; I will not be positive about the dates; it was the last of July, though, that Davis took command—I think about the last days of July. I saw Captain Wirz in September; he looked feeble and bad. He was in a feeble condition before he gave up as sick. I saw him at his headquarters frequently. He would sit up and attend to his business, and then he had a cot there on which he would lie down; he would lie there some time and then perhaps he would get up and proceed with his business. When he first returned to the stockade after his illness and the prisoners were being removed in September he would sit in a chair and let the prisoners march along, keeping their files dressed so that he could count them; he would sit out in front of his office and count them as they would

march by. He would go home in the evening; by evening, I suppose, I mean what you call afternoon here. He would go off about four o'clock. Prisoners would leave after he went away. He came and went in an ambulance for a while. I think it was in September; I cannot say for how long a time; I don't remember. I reckon it was one or two weeks.

THE PUNISHMENTS OF THE CONFEDERATE SOLDIERS AND THE FEDERAL PRISONERS COMPARED.

Q. What can you say about the punishment of your own men there?

A. I never had a man punished except one.

Mr. BAKER. I mean the confederate soldiers.

A. They punished them like they did the Union soldiers.

Q. State in what way.

A. They would put them in the stocks; they would put balls and chains on them, and they would cut a hole in the head of a barrel and put that over their heads; of course they would have to wear it.

ACTS OF CRUELTY COMMITTED BY WIRZ.

Q. What was the reason for newly arrived prisoners not being allowed to leave the ranks?

The JUDGE ADVOCATE. It is impossible for him to know anything about that.

The question was withdrawn.

They were not allowed to leave the ranks; I do not know any reason for their not being allowed to do so. I know that there was an order that they should stay in the ranks, so that their names could be taken correctly. That is all I know about it. Some of the guards might take their canteens or buckets, if they had any, and go to the spring or well and fetch some water for the prisoners. I have seen this done; I cannot say whether it was done frequently or otherwise. I have never noticed its being done very often; if one of the guards would volunteer to go himself, I do not think anybody would object to it.

PRISONERS WHIPPED BY WIRZ'S ORDER.

I heard that a colored man named Hawkins was whipped there; I did not see it.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

The confederate soldiers did trade with federal prisoners. They would buy anything the prisoners had to sell; they would buy what the government calls overcoats, pants, shoes, boots, hats; everything the prisoners had. It was carried on to a right smart extent. Some supplies of shoes or clothing for the confederate soldiers came there, I think along in the first part of January, 1865. I got a suit at that time; it was some time in January, I think. I saw no other confederate clothing that was distributed that I know of. I know of others of our own soldiers receiving them besides myself.

THE SUPPLIES FROM THE NORTH.

There were some sanitary goods that came there; I do not know what time it was. It was some time in the fall of 1864, or in the spring of 1865. I do not know how many boxes there were; I do not know how many I saw. I know some came. The paroled prisoners got, I think, a suit apiece.

Cross-examined by the JUDGE ADVOCATE:

I went to Andersonville on the 4th February, 1864; I reported to Captain Wirz on the 10th of July.

Q. What did you do up to that time?

A. I had been on picket duty a portion of the time, and then I had bilious fever, and I have been on duty around the stockade twice. I was never on duty as guard but twice around the stockade, and that was before the 10th of July.

Q. Then you know nothing except from what you saw as a guard twice up to that time?

A. Yes, sir; I would very frequently go and get up on the stoops, after the stoops were put up, and look over into the stockade and go around the stockade. I was sick about a month, I believe; I think it was in April; I was taken sick about the middle of April and it lasted till some time in June. I did not frequent Captain Wirz's headquarters till I reported there. I do not know what was going on there or about there up to that time. I do not know what he was doing up to the 10th of July; I do not know what the orders were up to that time, only those that I saw published—general orders, such as the one prohibiting sentinels trading with prisoners, and so on. I believe that is the only order. That is all I know about the orders up to the 10th of July. I do not pretend to know anything about the discipline of the prison and the manner in which matters were conducted there up to the 10th of July. All I have stated here, all the facts I claim to be in possession of, came to my knowledge after the 10th of July, with the exception of some few instances. One was when it was reported the stockade was going to be dug down. I know our regiment was turned out that evening; I have been up on the stoops before the time I reported to Captain Wirz, and looked over in the stockade and saw the prisoners and how things were going on. I did not see Captain Wirz at any time when I was up on those stoops. I have no knowledge in regard to him and his doings; I did not know what he was doing until I was assigned to duty.

SHOOTING OF PRISONERS BY THE GUARDS.

I never shot a prisoner of war or saw one shot; I never saw any of the sentries fire when I was up on the stoops; I heard the report of guns very frequently; I cannot say whether from the stockade or from around the post. I know they were fired about the post.

Q. You say you have known frequent occasions when prisoners of war had been brought out of the stockade who had been shot?

A. No, I do not say I knew it frequently; I have seen, I think, four or five fetched out of the stockade, to the best of my knowledge.

That was from the time I went there till the time I left—during the whole of my stay there. I saw four or five during my whole stay there; I do not know whether others were shot or not. Captain Wirz never gave me orders to shoot a man. He gave general instructions to the guards if any prisoners crossed the dead-line to shoot them; it was a general order. I cannot say who the order came from; I think his name was to it, and also the name of the commanding officer of the post. To the best of my knowledge the dead-line was established three weeks after the first breaking out was attempted. It did not follow immediately; I do not recollect the stockade breaking down at the brook; I know it broke down on the hill between the brook and the north gate. That is the only time I know of the stockade having been broken down; I never heard of soldiers procuring furloughs for shooting Union prisoners. The first thing I ever heard about it was when Furlow's battalion came there. I heard some of their men speaking about it. Then it got into the reserve regiments—that if a man shot a federal prisoner he would get a thirty days' furlough But I do not think any man could say where the report started from. I do not think it could be traced back. I do not know anything at all about the fact, only what I heard men say. I was not on duty in the adjutant's office; I don't know how our men got furloughs if they got any; I did not see the applications. I do not know anything about them officially.

STOPPAGE OF RATIONS.

Sometimes my duty as roll-caller would take longer than at other times; sometimes I would go in the stockade of a morning, I think at about nine o'clock and get out by eleven, and I would call all my rolls in that length of time. Up to nine o'clock I would just lie around in my quarters. My quarters were close to Captain Wirz's headquarters; I suppose some fifteen or twenty yards. When I was lying around my quarters I did not pretend to observe what was going on outside, unless some excitement got up and I would run out to see what it was about. After I came out of the stockade at eleven o'clock, I would carry my books into his office and make my reports and then go back to my quarters.

Q. You were liberated after you had performed your duty, were you?

A. Well, we could not leave without we got a pass from Captain Wirz to go to the depot; he required us to have a pass from him. I had no other duties to perform unless, perhaps, he wanted me to fetch a man out of the stockade or carry one in. I was not in the habit of staying in his office; after I had come out of the stockade and made my report, I would go to my quarters. My observation was confined to what passed between 9 and 11 o'clock, and the time I would be passing about like any other soldier; I never did stay much in my quarters because they were not very comfortable. I took the word of the sergeants of nineties for the presence of their men. I did not always take their word for it; I would sometimes, when it was a man I could trust and had great confidence in. He would tell me his men were all right, and I would mark it so and go along; and I knew they were sometimes making false reports. I did that to save myself labor and trouble, because it was a disagreeable place in there. What made it so disagreeable was so many men being crowded in together, and it was very warm. I always wanted to get out as soon as possible; I think I did my duty well. I never lost a man excepting one fellow by the name of Streeter; he got out and was gone three or four days before I found it out. I have no complaint to make of the conduct of federal prisoners. I never missed only that man Streeter. He was the only man that ever left my squads to my knowledge. I do not think any of the rest ever got out but him. I cannot give you any other reason why it was a disagreeable place, with the exception of the men being crowded in so thick, and there being no shade. I do not think it was offensive; it might have been offensive to a sick man. I think that to a well man it was not offensive I did not know it if I smelt that prison half a mile or three-quarters of a mile off. I have heard the soldiers complain that it was offensive; I know that down at the branch it smelt bad; it was a mighty filthy place. I could not smell it where my squads were; if I smelt it I did not know it. I do not say that it was a cleanly place. I always tried to get out of there as quick as possible. I say that where my men were it was not offensive. I suppose that to many men the inside of the stockade would be offensive to be so packed and crowded. I do not say it was not offensive. I say it would be offensive to anybody to be packed in there. The nineties had to stand up until the roll-call was completed; sometimes it was completed in less than five minutes. I do not suppose they would ever have to stand more than five minutes.

Q. Then how did you happen to be there from nine till eleven?

A. Going around; I had so many squads to go to, and then I would get talking to the men. I never kept my squads standing for two hours.

Q. Then you did not carry out the orders of Captain Wirz—his orders were to keep them standing till all were counted?

A. I never did until the reorganization of the stockade. When the stockade was reorganized they might have stood for two hours, but they were not compelled to stand in ranks the whole time; they could sit down on the ground.

I allowed the men to sit down. We disregarded the order which required them to stand up, and got along all right. I did not see that it made any difference. The men could sit down if they had to stay there a long time. I do not think that I said the rations were never stopped. I said that none of my squad ever lost their rations, to the best of my knowledge. I did not have anything to do with delivering the rations to them; I said I did not know that the prisoners did not lose their rations. I said so as to my own squad. I did not tell the court that the rations were never stopped in the stockade. I do not know how often they were stopped. I would say two or three times. I cannot say when. I cannot say whether it was after July. It was after I was on duty. I do not think that the rations of the whole camp were stopped. Sometimes the rations of one squad would be stopped, and sometimes of three or four squads—I don't recollect particularly. There were different occasions of stopping the rations—sometimes one thing and sometimes another.

Q. When one man in a squad or division would commit an offence, would not the whole squad or division have to suffer for it?

A. It seems to me that there was one man who had reported something about a tunnel. They took and shaved one side of his head and of his whiskers, and Captain Wirz told the men that that division of 90 could not have any rations until they produced the man who shaved this man's head. I do not think they suffered long in that way, because the man gave himself up and acknowledged it. I cannot say if that is the only time I know of the rations being stopped. I think it was not a frequent occurrence. If so it was more than I know, and I think I would have been more than likely to know it if it occurred. If they had been stopped more than half a dozen times I would have known it. I do not think they were stopped as often as half a dozen times. One man would sometimes draw two or three rations; a flanker could flank out from one division into another, answering the roll in each, and drawing rations in each. I do not know what it was done for. They called these men "flankers." They had some purpose in doing so, I suppose, but I do not know what the motive was. I do not know what Captain Wirz did inside the stockade when I was not with him. I do not pretend to say that I know anything about it. I was not inside the stockade till after the 10th of July. Captain Wirz never went inside to call the roll after the 8th of June to my knowledge. If I said June I meant July. I do not pretend to say anything except from my own knowledge. I do not pretend to know what Captain Wirz did except when I saw him. I do not say that I know all that occurred at his headquarters or about the stockade in reference to the discipline of that prison.

TREATMENT OF THE SICK.

It was the duty of the sergeants to take the sick to the gate, and some of them did it, but I have seen men lying in the stockade who would tell me that their sergeants would not take them out. I know it of my own observation. I inspected no division but my own. I do not know anything that transpired in other divisions, only that I would see men lying down, who would tell me that their sergeants would not take them out. Men were detailed from the nineties to take the sick men out. They did not go to sick-call till roll-call was over.

Q. Then they did not go there until after eleven o'clock?

A. Well, we would commence the roll-call at nine o'clock, and as soon as we got through with a squad, the sick of that squad could go out. But many were not taken there until after eleven o'clock, and they were sick. I cannot say how long the sick-call lasted; it lasted I think until the prisoners left and went to Millen. It would commence a little while after nine and continue till they got through, I reckon. I was not instructed about it. It is all supposition on my part. My division was in the north part of the stockade. I went in at the

south gate, and crossed the branch inside the stockade, and went up to the north side, the same way the prisoners had to come down to sick-call. I performed no duty except that connected with my division; I was not required to bother about any one else's division but mine. I do not know how long sick-call lasted.

THE STOCKS.

I was never instrumental in the punishment of any prisoner but one sergeant of the 61st detachment 3d mess. I was ordered to put him in the stocks. It was about the escape of this fellow Streeter. He was not punished on my report; he reported to me; he did not know that Streeter was gone, and I did not know it. I reported him. The first thing we knew about it this man Streeter was fetched back outside the stockade. Some citizens had brought him in and he told what detachment he belonged to; Captain Wirz called me up and wanted to know what sort of a roll-call we had. I told him we did the best we could. He abused me and told me to get this sergeant and fetch him out and put him in the stocks. I went in and told the sergeant and he said he could not blame me about it. He was ordered to be put in the stocks for twenty-four hours. I put him in the stocks and in about two hours I went around there and took him out again, because I knew that he could not help it and that I was as much to blame as he was. This fellow Streeter had escaped before; I let him out of the stocks, because I thought that I was as much responsible as he was

Q. That is your opinion in regard to punishments of that kind?

A. I cannot say that as to all such cases. I released him because I thought I was to blame as much as he was. Streeter was a fellow whom I had favored right smart. He staid in the sutler's tent, and he had promised me faithfully never to make any more attempts to escape. He did escape, and I thought myself to blame, and after I had put the sergeant in the stocks I went and took him out, Captain Wirz being away at the time. That was the only instance of any punishment being inflicted in my division from the 10th of July till February. I do not know whether the man was put in the stocks or put into the stockade again. None of my division were punished during that time to my knowledge. If I had seen them I would have known it; what I did not see I know nothing about. It was in the power of Captain Wirz to punish them without my knowing it, and he might have punished some men in the hospital. The men in the hospital belonged to divisions inside the stockade. He had control of them; he might have punished them in the stockade, but not without my knowing it. I did not always go in the stockade with him. He would frequently go in the stockade. I do not think he could have punished them in the stockade without my knowing it, because the prisoners would have said something about it to me. They would have told me something about it, I suppose.

ACTS OF CRUELTY COMMITTED BY WIRZ.

Captain Wirz never shot or beat or kicked a prisoner of war while I was on duty there to my knowledge. I have not told any person since I have been a witness in Washington, that I have seen him kick and abuse prisoners of war. I have said that I have seen him take hold of men like any officer would, when the men were standing in full ranks, and draw them to their places if they were not exactly right. He generally spoke short to them. He did not speak kindly to anybody; he always spoke short. He was very profane, one of the profanest men I ever saw. He had a very severe temper. I never saw him mistreat a prisoner of war, unless you call it mistreating to take hold of a man and draw him up to his place. I am not positive that he cursed him at the same time, but it is more than likely he did, because that was his natural style of conver-

sation. I saw men in the stocks. I saw them wearing ball and chain. I do not think I ever saw anything else of the kind. I never saw men tied up by the thumbs; I never saw them whipped.

Q. You say that when prisoners arrived they were not allowed to leave the ranks; were you present at these times?

A. Yes; when they first came, their names would have to be taken. That was not my duty; there were clerks who used to take the names. I had nothing to do with them except as an observer and to help count the men off. Captain Wirz always required us to be present and help at that. I did not say anything about the sergeants being allowed to go for water for the prisoners if they asked him. If a prisoner asked a guard to fetch him a pail or a canteen of water, nobody would object to his doing so. I never knew of anybody objecting to it. There were more guards there than would be on duty at a time. The guards got somewhat acquainted with the prisoners and would do them some favors. I never knew Captain Wirz to abuse prisoners of war. I never saw him maltreat them in any way, unless you could call pulling a man into his place maltreating him. I have seen a pistol in his hand a good many times. I do not know that I ever saw him draw it; I know he would draw it for a whole squad, and would threaten to shoot them if they did not do so and so; but I do not think I ever saw him draw it on one man. After arriving, prisoners' names were taken; they were sent into the stockade, all of them, so far as I know. I do not think I ever saw it otherwise. Sick or wounded men were not sent to the hospital unless there was a doctor present to examine them. There were some sick men who were not sent into the stockade; but the rule was, when prisoners came in from a train and were counted, that they were always sent into the stockade.

By the COURT:

Q. Did any register come with the different squads of prisoners who arrived there?

A. I think that some few registers did come, but it was nothing like a general thing—only occasionally.

THE PRISONERS PREVENTED FROM BUYING VEGETABLES.

Q. You say you were in the habit of taking things into the stockade?

A. No, sir; I have sometimes taken in onions, pepper, and eggs, and such things as I could put in my pocket. It was in violation of orders, but I had friends there; I would have to secrete those things. That was while I was on duty. I was on duty all that time. I have received greenbacks and confederate money from prisoners of war for these favors; these favors I rendered were done to enrich myself, and not from motives of humanity. Then there were some particular friends of mine there to whom I would carry in things I would also carry in things to others and sell to them. I never made any particular charge for onions; I would fetch in one or two or three dozen onions at a time. I almost always sold them for confederate money, two or three dollars a dozen—maybe more. I could carry them in and sell them cheaper than the prisoners could get them from the sutler inside. I got the onions at the market. The sutler was charging exorbitant prices. I thought he was charging very high prices. I believe they came from Americus. They would come there on the 11 o'clock train, and stay till the 1 o'clock train. I could not go out and purchase them and sell to the prisoners to any great extent. I would do it some, while I was on duty there.

Q. Part of the two hours that you were on duty, from 9 till 11 o'clock, you devoted to fleecing the prisoners?

A. No; I was permitted to go into the stockade at any time, and I would go in in the evening. The onions cost very high; maybe a dollar and a half or

two dollars a dozen. I would not sell them for the same price. I always made a little on everything I bought. This was a habit that the confederate sergeants all followed. The prisoners would want them to fetch in such things because they could get them cheaper from us than from the sutler. There was a general system of that kind, but it was a very secret system. I cannot say whether the men got enough to eat or not.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The sergeants of the police squad were furnished with shovels, &c., ; that was after the prisoners came back from Thomasville, and it was the duty of the chief of police to keep the stockade clean ; it was impossible to keep the branch clean. They did not have the shovels in the months of July and August. I think there was a policing of the stockade during its crowded state inside. They had some shovels. I do not know whether they could keep it clean. The chief of police might go over it and do a little here and a little there ; and when he would go back he might report that he had cleaned the camp. I would consider that policing it. If the chief of police reported the stockade policed I would consider it policed. The chief of police had forty-four shovels in the fall, when there were only between five and seven thousand prisoners. It was in September, October, November or December, after the prisoners came back from Thomasville.

THE SUPPLY OF WOOD.

The order was, in every wood guard, to allow one soldier to each three prisoners. A guard of one hundred men would take out three times that number. There was no guard to carry out prisoners for wood that I remember, until after the prisoners came back from Thomasville; that was in the latter part of the summer. There was wood hauled in wagons—not much, but some—before that time. The quartermaster attended to that. I think the prisoners were compelled to use that wood until September. If they went out under guard before September I do not recollect it. I do not think there was any general system during that time before September. I don't recollect whether wood squads went out before that or not. I think they always hauled in the wood to the prisoners. The wood was then close, and they could haul in a good deal. They had some four or five wagons to haul in.

CONDITION OF THE WATER.

I say the prisoners might have used these shovels for the purpose of digging tunnels ; they might have used them to dig wells or tunnels. I do not know anything about it. I went into one of those bogus wells and into a tunnel, I suppose about 25 feet deep. It might have been in July or August. That was not the only one I ever saw ; I examined another one of them. I only examined two. It was the business of Duncan and Humes to look after them. I know of only two ; yes, I know of more than two, but I only went into two. I saw other wells or tunnels.

THE DOGS.

There was one man who ran away from the hospital and was fetched back by dogs. He was brought to Captain Wirz's quarters. I do not think Captain Wirz had got down there at the time ; it was early in the morning and Captain Wirz had not got down from his house. The man was sent back to the hospital ; he did not die, to my knowledge. If I saw him after that I did not know him. I do not know whether he died or not. I do not know what time Turner went there ; he was there when I left there. He was not there when I came. I do not know when Harris was on that duty ; he fetched in prisoners, but I do not

know under what orders; he would carry these prisoners to Captain Wirz's office. I never heard of prisoners of war dying there from being bitten by dogs; I never heard it mentioned there at all; I heard it mentioned since I came here; I never heard it before; I never heard at Andersonville that men had died from being bitten by dogs.

THE PUNISHMENTS OF THE CONFEDERATE SOLDIERS AND FEDERAL PRISONERS COMPARED.

Confederate soldiers were treated in the same way as federal prisoners, with the exception of their being chained together. I know that confederate soldiers have had on ball and chain, but I have not seen them chained to one another. I never saw confederate soldiers in a chain-gang, but I have seen them with ball and chain on. I have seen them in the stocks. I do not know how long they were kept in them; I saw them in what they called the "spread eagle" stocks. I saw confederate soldiers there very often; there was one fellow put in there because at the dress parade one day in August, when the adjutant ordered the officers to the front, this fellow stepped out and went to the front of the regiment with the officers. He belonged to the 4th Georgia reserves. He was put in the stocks on that occasion, and I have seen him in the stocks a dozen different times.

Q. What other means of punishment did you see resorted to there for confederate soldiers?

A. They took a barrel, knocked out one head of it, cut a hole in the other large enough for a man's head to go through, and put it on them. That punishment was inflicted by order of court-martial.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I do not know the precise date when Captain Wirz was absent. He left in the last days of July—I am not positive when—and he returned, I think, about the last of August, and between those dates he was not present on duty to my knowledge. Lieutenant Davis signed everything and attended to everything, and we reported to Lieutenant Davis. I know about it; I am positive I reported to Lieutenant Davis. I state positively that Captain Wirz was not there on duty, for some time from the last of July up to the last of August. I know that he was not on duty, because Lieutenant Davis signed everything, and made out the reports. I saw him sign requisitions for rations, and I think that is about all the signing he had to do. I cannot state positively that Captain Wirz did no duty during the month of August. I do not state that he was not there; I state that he was not there on duty to my knowledge. He may have taken command in the last days of August without my knowing it. I do not think he could have been on duty at the same time that Lieutenant Davis was. I have heard of two persons being on duty at the same place and at the same time, but I do not think it would have taken both to command a prison; one of them was sufficient for that, I should have thought. I suppose there were from thirty-three to thirty-five thousand prisoners there at that time. I think one man could command from thirty to thirty-five thousand prisoners without help. Captain Wirz did no official act during that month to my knowledge, except it might be the last of the month. I do not say that he was not there the last of the month.

THE CHARGES OF MURDER AGAINST WIRZ.

Captain Wirz would write a good deal when he was there—look over his books; then he would walk about a little and lie down; Orman was adjutant of the prison; Smith was sergeant at the hospital after the hospital was established outside; Stafford called the roll of the sick. Their duty did not require

them to be on horseback, unless they were ordered to take horses to go to some point. Smith rode Captain Wirz's horse a good deal, about as much as Captain Wirz did. Smith was a tolerably tall man, not over tall. He wore his head on one side. He was from Georgia, I suppose. He was an American. I could not mistake him for Captain Wirz very readily. Any one who knew both of the men could not possibly be mistaken about them. They did not resemble each other. Orman was a tolerably aged man, from 35 to 40; I cannot say whether he was an American; I have heard him speak and he spoke as we do, but I do not know where he was born. I could not mistake him for Captain Wirz. Any one who knew both men could not mistake one for the other. Stafford was a young man of 22 or 23 years of age, a very nice-looking young fellow. He did not resemble Captain Wirz in any way at all. I could not mistake him for Captain Wirz. Turner was rather a small man; he looked as if he had seen pretty hard times. He did not resemble Captain Wirz; any one who knew the two would not mistake the one for the other. I would not mistake for Captain Wirz any of those men who were in the habit of riding his horse; no one who knew them could mistake them. Others did not ride the horse frequently, but they did not make a general thing of it. Turner rode it right smart, so did Stafford. Turner had a horse of his own. Orman had a horse from the artillery, but I think they took it back. Stafford did not have a horse, nor Smith. Orman's horse was a sort of old worn-out gray horse.

THE SUPPLIES FROM THE NORTH.

Some clothes came there by the sanitary commission, marked as such, but I do not recollect what time they came. I did not wear any of them; Captain Wirz never gave me anything in his life, except it might be a pass. I never obtained any clothing in that way; I don't know any of the confederate soldiers that did. I have seen confederate soldiers wear them, but they never procured them from Captain Wirz; I think all the paroled prisoners drew them. I was there when they went in to get their suits of clothes. I saw all of Duncan's squad go in for that purpose. I cannot swear that they all got them, but I know they were sent there for that purpose. I have seen men with them on; and I know that they sold them. There was a confederate soldier named Nolan who bought a pair of those pants.

Q. Do you know in what condition the clothing of those paroled men who received the sanitary goods was? Were they destitute at the time?

A. They were not; there were men inside the stockade who needed them more than the paroled men.

ORDER RELIEVING GENERAL BRAGG FROM DUTY AS A MEMBER OF THE COMMISSION.

The judge advocate laid before the commission the following:

[Special Orders No. 524.—Extract.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, October 2, 1865.

13. Brigadier General E. S. Bragg, United States volunteers, is hereby relieved from duty as a member of the special military commission, appointed to meet in this city, by Special Orders No. 453, August 22, 1865, from this office, and of which Major General Wallace, United States volunteers, is president.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

R. WILLIAMS,
Assistant Adjutant General.

Mr. BAKER. The suddenness of this order requires that I should say a word before anything further be done.

The PRESIDENT. It is certainly none of your business; you have nothing to do with the orders of the court.

Mr. BAKER. Will I be allowed to address the court?

The PRESIDENT. No remarks on that subject will be permitted.

Mr. BAKER. And no motion?

The PRESIDENT. And no motion; it is none of your business.

Mr. BAKER. Then I must object.

The PRESIDENT. No objection will be entertained; you will go on with your examination.

Mr. BAKER. Will no remark of any kind touching that order be permitted?

The PRESIDENT. No, sir; proceed with your examination.

OCTOBER 2, 1865.

VINCENZIO BARDO, for the defence:

I have been in the military service of the United States. I arrived at Andersonville in June, 1864.

PRISONERS WHIPPED BY WIRZ'S ORDER.

I was in the stockade; I got out of the stockade by blacking my face; I blacked my coat and from that blacked my face to go outside of the gate; I went outside with the negroes; we went down to the front of the "Dutch captain's" quarters; some of us had picks and some shovels; we went through the outside gate; we were trying to skedaddle; a lieutenant—I don't know his name—asked me what I was doing round there; he asked me, "Are you a nigger or a white man?" Then he took off my hat and said, "You are a white man." I said "Yes." He said, "Why the hell did you black your face?" I said that I had blacked my face to try to run away; then he took hold of me and put me in the stocks; the stocks came round my neck and my hands were stretched out; he gave me twenty-five lashes on my back; when I was taken out of the stocks I was put in the stockade for four hours; then put in the stocks again for four hours, and then I was put in the stockade again; the lieutenant left me in the stocks.

(The prisoner at the request of the counsel stood up.)

Q. Is that the man who gave you the twenty-five lashes?

A. No, sir; I know him; he is the "Dutch captain." The man who gave me the twenty-five lashes was a small man—smaller than me; he had no whiskers at all. The man wore a black hat with a feather. I think this was in August.

Cross-examined by JUDGE ADVOCATE:

A lieutenant whipped me; I don't know who told him to whip me; himself I think; I did not see Captain Wirz; I saw Captain Wirz when I was down in the stockade; I never saw the Dutch captain when I came out blacked; I saw him when I was in the stockade after I came from Richmond; also in September; I was put in the stockade in June; I saw Captain Wirz in June and in September; two or three times in all that I saw the Dutch captain. When I blacked myself and came out of the stockade I went up to Captain Wirz's headquarters; it was about eight or nine o'clock in the morning; I did not see Captain Wirz when I went up there; I saw him before I blacked my face. I do not know who gave the orders to have me whipped; the lieutenant put me in the stocks himself; I do not know who ordered him to do so; I think the lieutenant was on duty at Captain Wirz's office; I do not know whether he was ordered to put me in the stocks or not; I blacked myself to try to run away; I wanted to run away because I felt very bad; I was starving; a good many around me were starving; I wanted to get away because I was starving.

OCTOBER 2, 1865.

FREDERICK GUSCETTI, for the defence:

I am an Italian; I speak six or seven languages; I have been in the military service of the United States, in the 47th New York regiment; I was taken as a prisoner to Andersonville; I was captured at the battle of Olustee, Florida, February 20, 1864; I was then taken to Tallahassee, Florida; I arrived at Andersonville March 28, 1864; fifteen white men and six colored men went to Andersonville with me; some of the wounded prisoners were taken to Andersonville as soon as they got a little well; they were sent by order of Captain Gibbs, I believe; about five hundred prisoners were taken to Tallahassee; I met with many prisoners after my arrival at Andersonville; when we were taken to Andersonville we were all wounded; I had to be carried in a wagon; all the men that came with me from Florida were wounded; some came from Virginia wounded.

THE DISPOSITON AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

I was in the stockade from March 29 till August 28, 1864; I was then paroled; I was taken out by a sergeant and brought up to the headquarters of Captain Wirz; I was at Captain Wirz's headquarters from the 28th of August, when I was taken out, till the 15th or 16th of November; I first saw Captain Wirz five or six days after I was taken to Andersonville; there was from 7,000 to 9,000 prisoners there then, perhaps more; when I was paroled I was sick, and one of the doctors asked Captain Wirz to take me out; the captain told him he should not do so, but the next day he sent orders to take me out; I was brought to his headquarters; he told me to stay there and said to me "when they want you, you will go to the hospital and do what they ask you." The first time a man was shot by the sentry outside, he was taken out; the sentry shot him as he was coming to the river; he shot him with two bullets, one through the body and one through the leg; I was inside at that time; Captain Wirz came in in the morning and I told him that three or four of us would like to go and see that man; he said that he would allow nobody to go; after a little while, when he was going out of the gate, I told him again; he said "well, if they go under guard they can go." Dr. White came and I told him that Captain Wirz had said we might go; I and two other men went to see the man in the hospital; afterward when I was in the hospital I used to go with the guard to bring men from the stockade to see men in the hospital; this was done four times, I think. One morning a man came up and told Captain Wirz that he was a preacher, and Captain Wirz told me to go with him into camp; we went in. The man stopped to talk with several of the prisoners; the men were asking him when they would be exchanged; he answered——

The JUDGE ADVOCATE objected to witness stating the conversation which occurred.

The COURT, after deliberation, sustained the objection.

The man came in and bought watches; when he came out I told Captain Wirz that that man who he had sent me in with did nothing but buy watches; Captain Wirz sent him with Sergeant Smith down to General Winder; I don't know what occurred afterward.

I attempted to escape once on the 4th of July; they did not give us anything to eat, and in the evening I told some of my friends to tie me up in a blanket and I would go out as a dead man; they put me in a blanket, put a cloth over my face and carried me into the hospital; in the hospital they put No. 61 on my breast; they put me into the dead-house and kept me there until the last wagon came that night; they then took me away during the night; I knew that the orders were to carry away twenty-five bodies at a time, I counted so many dead and placed myself so as to be about the twenty-fourth or twenty-

fifth; the next morning the men came in to carry away the dead; they counted out twenty-four and then it came to my turn; a negro, named "Abe," lifted me up and threw me on the wagon—a canvas-covered wagon like a tent—to go to the dead-house; when I was carried to the dead-house the negroes took my clothes off, so that I had nothing on but a pair of drawers, and I had no chance to get away; they carried me out in a wagon to near the kitchen; I had not eaten the whole day before, and did not feel strong enough to go away; I slipped down from the wagon with the intention of waiting until night, and then going to some farmers near by and getting clothes somehow; I was lying down when about ten o'clock I saw Turner with the dogs run around the stockade; I was afraid of him, of course; I then saw him go away; he was going to headquarters; afterwards I saw him with Captain Wirz on horseback; I heard afterwards that their object was to discover a hole which had been made the night before; in passing around there the dogs found me out and jumped towards me; I did not move; I knew that they would not bite me if I did not run away. Captain Wirz came up and said "What the hell are you doing here?" I told him I was trying to run away; he asked me if I thought I could run away without any clothes on; I then told him all about how it was; he took me down to the hospital and asked the steward, or some one of the men in the hospital, to give me some clothes; he then put me into the stockade; he said that he had a mind to put a ball and chain on me for it; but after all he sent me back into the stockade. That was my first attempt to run away; I do not think a great many of the prisoners liked to pass off for dead, but many were running away all the time—as often as they could.

There were in the camp a good many little boys who were supposed to have been drummers in the army; one day Captain Wirz came in and took one of them out; the next day he came in again and took out about thirty; at that time a man asked to be taken out and Captain Wirz said that he took the boys out because they could not stand the miasmas in there, and that he would not take him out; I saw about thirty boys taken out that day and I know there were others in the hospital; some of the boys were in the hospital, some were engaged at one headquarters and others at the other headquarters; others were sent out for blackberries for sick men; they were sent out for blackberries several times. I heard from some of my friends that the nurses made wine with the blackberries for themselves—I know that few of the sick ever received it—and that they were sent into camp to make pies. Those nurses were our own men.

By the JUDGE ADVOCATE:

Friends who were in the hospital sick told me the nurses were our own men. I saw nurses who were acting as clerks at the doctors coming round the stockade, coming near the south gate, bringing haversacks full of blackberries; those blackberries were taken into the camp, and as there were several bakers in the camp, they made pies of them. I cannot say that they were the blackberries that the boys had gathered. I got sacks at the cook-house myself and sent them to some of my friends in the hospital to make shirts out of. I never heard of Captain Wirz ordering things to be sent to the prisoners. I had friends in the hospital and I was allowed by Captain Wirz to go in there. I got some sacks from the cook-house and brought them to them to make shirts, and to make tents for themselves when they were to be sent somewhere else.

STOPPAGE OF RATIONS.

On the fourth of July rations were stopped for a whole day. I cannot say why they were stopped; some said——

The JUDGE ADVOCATE. Don't state what others said.

I think the prisoners would have died if the rations had been stopped two or

three days in succession; I don't believe they could have done that; I never knew it to be done.

Q. Do you know whether the attempts of the men to escape or burrow out had anything to do with the stopping of the rations?

A. Captain Wirz once told Sergeant Williams——

The JUDGE ADVOCATE. State nothing that was told you.

WITNESS. Then I know nothing about it. I cannot give any answer about burrowing out; what I know I heard outside. I was engaged myself in tunnelling out. Sometimes at roll-call in the morning three or four men would be missing, and the rebel sergeant would say to the sergeant of the squad of ninety, "If you don't find those men you don't get rations for the day." Of course we would run all over the camp to find the missing men. Sometimes we would find that a man was dying or dead, with nobody to report him. We would get rations as soon as the man was found.

Q. Explain how the federal sergeants might have given the men rations themselves.

Objected to by the judge advocate as being too vague.

Q. (Modified.) Can you explain whether federal sergeants had the rations in their power to give at those times when they were stopped?

A. I can; I was punished one day for being absent from roll-call; the rebel sergeant told them not to give me any ration that day. In the evening when they issued the ration I was present; there was no rebel sergeant there; there was a sergeant for our thirty. Instead of twenty-nine rations only twenty-eight were issued, but he could as well have given out twenty-nine, there was nobody to disturb or prevent him. He could just as well have given me my ration as not. I think he could just as well have given out thirty rations as twenty-eight.

Q. Had he it frequently in his power to do in that way?

A. I can tell as to myself; I cannot tell anything more.

THE STOCKS.

I never knew of any stocks inside the stockade; there were not any there.

TUNNELLING OUT.

Sometimes we used to begin a tunnel in a tent. We would dig holes and we would carry the dirt down to the sink in flour bags, or in the sleeves of our blouses or shirts. A hole would be dug six, eight, or ten feet deep, and then when they worked it under the stockade, they had to dig it further down in order to pass that; ten or twenty yards outside the stockade they would carry the hole up and so go out. Every morning I saw the negroes coming in, filling up the holes. When we began to dig the wells, every second or third well was a tunnel.

PRISONERS SHOT BY WIRZ'S ORDER.

Chickamauga was a Canadian who used to be in a tent where I was. Several of us were digging a tunnel in order to get out. Some five days after a rebel officer came in and came to where the hole was and said "Here is a tunnel;" his men came in and broke it up. We suspected that somebody had reported the matter, but we did not know for sure. About two days and two nights afterwards we began another tunnel. We were about five days on it when one morning an officer came in and broke up the hole. A third time we made a hole. We then suspected that somebody was reporting our holes. We looked around and in the morning we saw Chickamauga pass the dead-line and go where the letter-box was. We did not know what he was going to do. About

ten minutes afterwards a lieutenant with a red sash, the officer of the day, came in with a guard and went right to the place where we had put the sand. We had worked the matter so well that we never thought anybody could suspect it, but he went right up to it and said, "Here is a tunnel." A big Canadian who was there said to him, "Lieutenant, who told you that we made a hole there?" The lieutenant said, "Well, that cripple told me." The cripple was then between the dead-line and the gate; we began to curse him. There were about fifty or sixty men where we were, Canadians, Frenchmen, and others, all mixed together. There was a low shanty there, and some of the men said they were going to hang Chickamauga up there. He was afraid to come inside of the dead-line again, into the camp. He asked the officer to take him out; the officer said that he had not the power to do it; at his instance Captain Wirz came down inside the south gate on his white mare, and told him to go inside, that he would not take him out. The man said that he would not come in, that the men wanted to hurt him. Captain Wirz replied, "I have nothing to do with that, I cannot help that; go inside the dead-line or you will be shot." The man would not go in. Captain Wirz took out his pistol and said, "If you do not go inside the dead-line I will shoot you." The man bared his breast and said, "I do not care; shoot me if you want to." Captain Wirz put the pistol away and turned his horse to go out; some of our men said, "Bully for you," meaning bully for Captain Wirz. We knew that the man was a spy, and as Captain Wirz went out, as he was shutting the gate, some of our men took hold of this Canadian, "Frenchy" as he was sometimes called, and pulled him inside the dead-line. Almost everybody who was not an American or a German was called "Frenchy." This man was now inside the dead-line, but in a few moments he passed out again, past the dead-line, and sat down about one yard from the dead-line—inside of the dead-line. The guard told him twice to go away; he said he would not do it. The guard then took up his musket and said he would shoot him if he would not go in. He said "Go in, or I will shoot you." The man said "I don't care," and he opened his blouse again. The guard shot him. The men were all around there at the time. We told him to come inside, as we were not fools enough to cross the dead-line to bring him out. There were a great many men around there; it was generally understood what Chickamauga had done in the morning, that he had acted as a spy, and the men cursed him of course. Captain Wirz was outside the gate when the man was shot; the gate was shut.

Q. Did you hear any orders given to the sentry?

A. When Captain Wirz got outside I do not believe that anybody could hear him say anything.

The JUDGE ADVOCATE. State what you did or did not hear.

WITNESS. Nobody could hear.

Q. Why could they not hear?

A. The stockade was about fifteen feet high and two or three feet thick, and the dead-line was about eight or ten steps from the stockade.

Q. Did the crowd around there make any noise by talking or hallooing to each other?

A. I did not remark a noise. The men always made a noise. The men were around me and some of them were cursing this man. Some of them wanted to bring him inside, but they would not cross the dead-line.

THE SUPPLIES FROM THE NORTH.

I never saw any clothing or boxes in the stockade; boxes came, but not into the stockade. They came to the headquarters of Captain Wirz. I saw some of the boxes brought into the stockade for the prisoners. I saw them come in in May; about thirty came that I saw. They were small boxes, such as are sent

by express; such as northern people sent to the men. Boxes were not frequently coming in that way. I saw about thirty in the month of May and three in July. There may have been more, but I did not see them. There was a letter-box, and they put a notice in the letter-box for the men who had boxes. The men would then report to the sergeant at the gate. I know that they received their boxes in that way. When nobody came to answer a letter which was put into the letter-box then the boxes were sent to the hospital. I did not know when I was in camp what they did with them, but when I was out I saw that when nobody applied for boxes they were sent to the hospital—the federal prison hospital.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

There was trading in the stockade between the prisoners and the rebels. There was there a man who used to go out for spades or shovels in the morning to dig wells. This man used to carry in double rations, and also haversacks full of apples and anything he could get. The men who went out for wood would almost always bring in apples, cakes, or anything which they could find to buy. The negroes generally brought in salt which they got from the cook-house. I also saw the guard drop down blankets and sacks from the top of the stockade. They would allow us to pass inside the dead-line to get these. We used to give them watches and money—greenbacks or confederate money, or whatever we had. I saw some sergeants who came in to call the roll wear jackets like our cavalry jackets; I have also seen them wearing black sailor pants.

PRIVATE PROPERTY TAKEN AWAY FROM PRISONERS.

I do not know what anybody else did when Captain Wirz wanted anything which they had. I know that when I went out into the country and bought some things for myself and other clerks at headquarters, and when Captain Wirz wanted them from me, I would make him pay me for my trouble in bringing them. Once I had a hog which I sold him and for which he gave me a hundred dollars in confederate money, and when I left Andersonville I asked him for greenbacks, as I had no more use for confederate money. I saw Captain Wirz and the sergeants take things away from Stoneman's raiders, but they never took anything away from me or any other paroled man. I made him pay for everything he got from me. When Stoneman's raiders came everything which they had was taken from them—blankets and such things as that, of course, they had not. At headquarters they were searched and had taken from them pistols, money, silver spoons, forks, portraits, and watches. One had a silver candlestick. I know men who said that they took away portraits that belonged to their families.

Q. Do you know anything about a lady there recognizing a portrait which had been taken from these raiders?

The judge advocate objected to the question.

Mr. BAKER said that one of the most affecting parts of the evidence for the prosecution had been that which seemed to show that Captain Wirz had taken from prisoners the portraits of their wives and sweethearts. The defence proposed to show that these portraits were really pictures of southern women, which the raiders had taken from southern families.

The JUDGE ADVOCATE. The gentleman asks the witness to state what a lady said, which is mere hearsay evidence. To make the evidence worth anything the lady should be produced.

Mr. BAKER. How does the court know that the portraits mentioned in the evidence for the prosecution were portraits of prisoners, relatives or friends, except by the testimony of the witness, who states what he heard the men say? The

evidence which I propose to offer is anaiogous to that which has been presented by the prosecution.

The JUDGE ADVOCATE, (to witness.) Was the lady present when the raiders were searched?

A. She came afterwards; she had received a letter.

The JUDGE ADVOCATE. Then how can we know that the picture claimed by this lady some days afterward was one which had been taken from the raiders? The evidence offered by the prosecution went to show that the prisoner robbed a soldier of a picture which this soldier said was the picture of his wife. If this lady had been present at the time when the prisoners were searched and had claimed a certain picture as hers, the defence might properly have shown that fact.

The court, after deliberation, sustained the objection.

I saw knapsacks taken away from a lot of men who came in in September. That is all they took. Once Captain Wirz sent back to his regiment a rebel sergeant for taking a knife away from a prisoner. I know of Captain Wirz returning to prisoners things which had been wrongfully taken from them. One day some prisoners had come from Virginia, and an officer commanding a squad handed to Captain Wirz seven or eight watches. Captain Wirz asked him, "Whose are they? What can I do with them?" The officer said that his men had taken them away from the prisoners, and that he had taken them away from his men. Captain Wirz asked the men who owned them; the men came out and said they belonged to them. Captain Wirz gave the watches into the hands of the sergeant appointed to command the squad, and he gave the watches to the men; whether they were the owners or not I don't know; he gave them to as many men as there were watches. I do not know about money coming in letters, but letters which came there and which I had to read contained, some them, five cents, and some of them ten cents.

Q. While you were in the stockade did Captain Wirz send in any money or anything of that kind to prisoners?

A. I told you before that boxes came in.

PRISONERS WHIPPED BY WIRZ'S ORDER.

I saw the negro, Hawkins, often, when I was out in the country. One evening I was out with two other men to the house of a gentleman in the country by the name of Dick Penn. As we were coming home we passed through a field and saw men at work there digging. I came back to the camp with the two men, and when I was coming back on the road I met Hawkins and another man coming down to the camp. I passed them without saying anything. I heard them curse our men, and say that they would put the dogs after either Yankees or rebels. The next morning Dick Penn came down to Captain Wirz and reported that two of our men had robbed his field of potatoes. Captain Wirz put the two men in the stocks, one lying down and the other standing. In the evening I left again to go into the country—the same part of the country where Dick Penn lived—and as I was walking past his field, I heard one man telling another——

Q. Were they stealing potatoes?

A. They were digging potatoes; they took a big bag full, a bushel and a half or two bushels, and carried it down to the house of a lady named Mrs. Smith; they went into the shanty and left the bag outside; I saw the bag of potatoes there and told the man who was with me to put it on his shoulder, and we went home; when we got back we put the potatoes in headquarters. The next morning Dick Penn came around again to Captain Wirz and told him that some more of the men had stolen his potatoes; Captain Wirz said he would find out who it was; while he was speaking Dick Penn saw the bag and said that it belonged to him; he asked who brought it there; I was not present; the other

man told him that it was brought there by a man named Larzie; he was a friend of mine; they put him in the stocks. I was told of the matter, and I told Captain Wirz that I took that bag from one of our negroes, who had left it outside of the shanty where a lady named Mrs. Smith lived. He asked who was the man; I said it was dark—that I could not see who it was. Dick Penn brought a negro slave and asked if he was the man; I said I did not know who he was; he asked the other man, and he said it was a Yankee white negro. We had only two white negroes; one was Fisher, and the other this one, but this one was lame; they brought him there and asked him if he had the bag there; he said that he had not—that the white man had. I said "No, you had the bag there; I took it from you;" Dick Penn and Mrs. Smith said that they saw this man.

The JUDGE ADVOCATE. You need not state that.

They sent for Turner, and Captain Wirz told him to give that man a good licking; he was to be licked because it was said that he stole potatoes and forged a pass. He had two passes; one was like a farmer's, giving permission to his slave to go somewhere to visit his family; the other was signed by Captain Wirz. He had been the means of having two or three punished for his guilt; they were in the stocks; as soon as they found him out they let the others go.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

About five days after I came out of the stockade Captain Wirz was not sick, but he used to walk very much like a man that had been sick—a convalescent, and about the middle of September he did not come to the headquarters; he kept his own house; I was at his house and saw him; he was in bed. When he came back to the headquarters he was very feeble, and the quartermaster used to give him an ambulance wagon to go home in. In his headquarters he had a bed on which he would lie down the most of the day. I know of Captain Wirz having to be carried once; I took his horse away, and when the time came for him to go home the ambulance was not sent, and as I had his horse away he could not ride that; he could not walk, and they had to carry him on a stretcher. During the few weeks he was complaining he would come down in the morning and lie down on his bed, and after a time his horse would be sent for and he would ride out to General Winder's, which was not far; sometimes he would not come back, and sometimes he would come back and lie down again; that continued about ten days or so. He was sick two different times; the first was from the 5th to the 10th of September, and the second was from the 20th to the 25th of September.

THE CHARGES OF MURDER AGAINST WIRZ.

I never saw Captain Wirz with a riding whip; I never saw Captain Wirz ride anything but the white mare. One day I asked Captain Wirz to let me go with a gentleman in the country, some sixteen miles; he told me, "I will let you go, but if you run away I will shoot you like a dog." I said "all right." I took away his pistol to take out the powder; I took out the bullet and found there was no powder in the chamber. I came back the next day and the captain said nothing about it. Three or four days afterwards a sergeant broke his pistol, and brought it to Captain Wirz and told him it was broken, and that it should be repaired. Captain Wirz said, "Take this one here." He told him something else, but I did not hear what he said; he used to leave the pistol there in the night when he was there sick. One day I had a fight with one of the rebel sergeants, and that night the clerk was afraid that the rebel sergeant would come in. I took Captain Wirz's sword, and one of the men took the pistol, but when he pulled back the hammer he found that the mainspring was broken. At that time Captain Wirz did not carry a revolver much; he used to wear the belt, but not the revolver. I do not know anything about other revolvers. When

I was out he had those two revolvers; the mainspring of one of those pistols was broken, and in the other there was no powder. (To the court.) It was one of our army revolvers; I took the bullet out and found there was no powder in it. I only took out one of the bullets, and then I put it back; I put the bullet back so that he would not remark it; then I did not care whether he would shoot at me or not. I never saw Captain Wirz shooting or kicking men—more than pushing them into ranks; I never heard of his killing a man until I came here; if he did not kill a man so secretly away out of camp, so that nobody could hear it, I think I should have heard of it if such a thing had been done.

EFFORTS OF CAPTAIN WIRZ TO GET AWAY FROM ANDERSONVILLE.

Q What do you know about Captain Wirz resigning, or trying to resign, in order get away from there?

A. I know that he once said——

The JUDGE ADVOCATE objected to the witness continuing the answer, on the ground that what the prisoner said was not proper evidence.

Mr. BAKER. I believe I shall have to insist that this point shall be ruled upon by the court. What we desire to show is, that Captain Wirz made exertions with General Winder to have his resignation accepted so that he could go to the Trans-Mississippi department. We desire to give evidence of his acts and language.

The PRESIDENT. We have decided this question over and over again.

A MEMBER of the COURT, (to Mr. Baker.) You might as well put the prisoner on the stand and ask him the same question.

Mr. BAKER. If the court holds that the question has been ruled upon already, I shall not press it, but I must endeavor in every possible way to show the intentions of Captain Wirz so far as they may exculpate him from the charges against him. According to the books, the language of the prisoner can be given in evidence to exhibit the absence of malice.

The PRESIDENT. If such language accompany acts.

Mr. BAKER. Whether accompanying acts or not, the language of the prisoner, on a charge of murder, could be given in evidence as showing the intention or general disposition. We propose to give both acts and language accompanying acts. I do not know that the question has ever been passed upon by the court.

The PRESIDENT. The members of the court seem to desire not to vote upon the matter, because they have already voted upon it.

Mr. BAKER. If that fact will appear upon the record I will not insist upon having the question decided.

The JUDGE ADVOCATE. I would like it also to appear on the record that there is an additional objection to this evidence, that it is not material as a defence. Whether the prisoner sought to leave Andersonville or not, does not affect the question at issue, because his object might have been to go to some other place to institute another slaughter-pen.

WIRZ'S ABILITY TO USE BOTH OF HIS ARMS.

I know that Captain Wirz's right arm was crippled. When he used to ride on horseback, he could not use his right arm to get into the saddle. He always used his left arm, and when he was very badly sick I had to give a chair to mount on horseback, and I also had to lift him on his horse.

MEN BITTEN BY THE DOGS.

There were two Canadians who were both called "Frenchy." This man used to be near my tent. He ran away four times and was captured and sent back into camp. He passed without punishment three times, and the fourth time there was a ball-and-chain put upon his feet. He made his escape again; I did not see him until he was brought back. I heard Captain Wirz order him

to be placed, with twelve other paroled prisoners, in a chain-gang; when he was brought down to the smith, he managed to run away. The officer, Lieutenant Hill, I believe, did not remark his escape until he came to the smith, when he found there was one man less; he went to Captain Wirz and told him that one man had run away. Captain Wirz looked at the men and said "Frenchy has run off again;" he sent for Turner to find out where Frenchy was; the dogs found out his track and followed and caught him; he was brought back with Turner's dogs; Captain Wirz was along with them; Captain Wirz had on a pair of white pants which were very muddy; the captain told him he would not send him back to the stockade, but would send him to the guard-tent, and he called Sergeant Smith and sent Frenchy to the guard-tent. Afterwards I came down to him and asked him about running away; I said "you cannot run away any more; you have too much watching." He said: "I do not care; I will try again." I asked him if he was not afraid of Captain Wirz, and he answered me——

The JUDGE ADVOCATE. You need not state what transpired between you and him.

Frenchy had on a pair of raggish pants; he did not say whether he was torn by the dogs or not; I asked him if he was hurt, and he told me "that did not hurt me;" that means in French, in which he expressed himself, that it did not hurt him much. He said that he did not care for Captain Wirz, that the dog who barked did not bite much; that was the expression he used. I did not see that he was torn at all; he was lying down in the guard-tent; he ran away again, but I did not see him; I heard that he ran away near Macon; I once saw Turner come in with his dogs and twelve confederate soldiers.

CONDITION OF THE WATER.

I found one hundred and five wells in the camp when I left the place; there was water in most of them; some of them had been dug only for the purpose of making tunnels; at first there was very bad water there; they used the water of the branch, and the cooks used to make that water so dirty that it could not be used. Then we commenced digging wells; they were dug twenty-five feet deep on the south side, and on the north side a great deal deeper—fifty or fifty-five feet. The wells were dug with spades, of course; we had a few spades and axes in the camp; every morning the fatigue squad used to go out and bring in lots of spades, picks, and other things to clean the camp with.

VACCINATION.

I was vaccinated there myself; I came in one morning and found one doctor in confederate clothes and another in citizen clothes; I went down to see if there was any news about exchange, and I found they were beginning to vaccinate in the hospital, which was then in the stockade; they vaccinated several men—over two whole squads; I do not know how many were vaccinated—five hundred, or it may be two thousand. I knew almost thirty men to be sore or sick from vaccination; they were mostly Germans; they had big large wounds in the arm; the others were not sick or sore from vaccination; I was vaccinated with forty other Italians; several of us had woollen sleeves, and we cut them over the sore; we washed our arms with water as clean as we could, and I think it was that plan that kept us right; none of my comrades were sick, but I saw several who came with me from Florida, mostly Germans, who had large and bad wounds on their arms.

THE DEPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Cross-examined by the JUDGE ADVOCATE:

When I ran away and Captain Wirz brought me to the hospital I asked him if he could not keep me out; he asked me if I could work in the woods or so;

I told him I could not do that, but I would try; Captain Wirz did not ask me if I was of the same country as himself; I spoke to him in French; his language was German; I am an Italian Swiss, and Captain Wirz is a German Swiss; I did not know Captain Wirz in the old country; I do not know why I was shown so much favor there; I saw that other clerks were scared too much about him and I was not; many a time he told me to do a thing and I would not do it; I told him I would not work, and if he made me work I would go back into the stockade, so that I was a long time out there without doing anything; I never spied anything about the soldiers; I was employed outside as interpreter for men inside the hospital. I would go in with the priest or the doctor into the hospital. Captain Wirz let me come and go as I pleased; he let me go into the country once for sixteen miles; he gave me at one time permission to go sixteen miles into the country with his horse; I came back two days afterwards; the other men told me that he said when I had gone, that I had run away with his horse. I told him when I came back that he could be sure I would not run away. Captain Wirz showed me more favor than to others; I did not serve him better than I served others; I served myself. Captain Wirz talked with me at headquarters as with other clerks; I never traded any with the soldiers; I never purchased anything from a federal soldier; I used to go out and buy things for myself, and sometimes when I had more than I wanted Captain Wirz would buy it from me, but I would make him pay for the trouble; I made him pay for what I brought there, and twice as much; I did not do it with anybody else; I never gave Captain Wirz any information; I never did anything but bring him goods which I had bought for myself and gave them to him for money; he took me out of the stockade to go into the hospital and camp and interpret for any one who could not speak the English language. Captain Wirz treated me well; I had plenty to eat, and he put me in the stocks too; I do not know what he did with others; I know they did not like the treatment they had.

Captain Wirz took about thirty boys out of the stockade; there was one of those little boys at Captain Wirz's house and another at the headquarters, and another at hospital headquarters, and another in the hospital. There were some two or three more going about there, I do not knew where they belonged; I heard Captain Wirz remark to one of the prisoners that he took the boys out of the stockade because it was not fit for them. I heard the man say that he wanted to go out himself; Captain Wirz said that he did not take out the boys to work, but that it was too miserable a place for the boys to live in.

By the COURT:

I did not say that Captain Wirz knew that I was his countryman; I may have told him I was, some time when I was outside, but before I went out he did not know it. One day he spoke German, and I spoke German too. Captain Wirz paroled me because I spoke several languages.

When I tried to escape the dogs found me out, and Captain Wirz came down riding with Turner. He asked me what I was doing there; I told him that I was trying to run away. He asked me if I wanted to run away naked, and I told him I would have tried to get some clothes. He brought me to the hospital, where a steward gave me some clothes. I suppose he did not punish me because he thought I had suffered enough by passing my night with the dead, and having nothing to eat the day before. I saw other men besides myself who were not punished. I asked Captain Wirz not to send me back to the stockade, as I had suffered too much there. He then said to me, "Can you cut wood?" I said, "No, sir, I cannot do that, but I will try." This conversation was carried on in French; he could not speak Italian. Captain Wirz brought me with him to the hospital and got a sailor's shirt for me from a dead man, and a pair of black pants. Then I was brought back to the stockade. Sergeant Smith brought me to the stockade; I staid there the whole of July and up to August

28th. I was out once during that time; I went to the hospital to see a man, that was all. Dr. White knew that I spoke several languages, and the priest knew it. Another time that I was outside Captain Wirz took me up to the headquarters and told me that I could stay there. I acted as interpreter in the hospital and in the stockade too. I belonged to the headquarters and drew my rations with the other clerks there. Sometimes I was three or four days without going to the hospital at all, and sometimes I would go in the morning and come back in the afternoon. I spent all the rest of the time at headquarters, when I was not in the hospital or inthe country. I had no bed at headquarters; I slept on the ground. The headquarters were two large tents. I had no covering; it was summer time, and we did not need covering. We slept inside of tents. All the clerks at headquarters slept in the tent with me. I was on an equality with the clerks at headquarters, and I drew the same rations. Our rations at headquarters were the same as in the camp. We had enough to eat. We had about one pound corn bread, a quarter or half a pound of meat and rice. I got my rations at the cook house. The rations were not measured out to us; the cooks gave us just what we could use. We did not go and get as much as we wanted; there was a little note made out by Mr. Martin, the chief clerk, which was brought up to the cook house, and there the messenger got rice, bacon, pork, or whatever it was. I ate with the clerks. I took my meals in the second tent near to where we slept. I wore black pants and a sailor's shirt. Captain Wirz gave them to me in the hospital; they were got from a dead man. I had a change of clothing while I was at headquarters; I had shirts made of sacks. I never went into the stockade with Captain Wirz; I never went anywhere with him. Captain Wirz was sick at his house and I went there to ask him to let me go away with the sailors. I proposed to Captain Wirz to let me go away, but he would not do it. He did not punish me for making such a proposition to him. He told me he could not let me go, and I returned to headquarters.

Q. If you wanted to escape so badly that you imitated a dead man, permitted yourself to be thrown into a wagon with a pile of dead men, and remained in the dead-house all night suffering from hunger, why did you not escape when you had such liberties?

A. I had given my parole of honor not to run away. I signed my parole at headquarters. I think that parole bound me; I gave my private parole not to run away. I did not swear to the parole, I only signed it. Captain Wirz trusted his horse to others; he gave it to Duncan, and to Mr. Bowers to get yeast to make white bread for the sick. I do not know how far they went with the horse. They were not on duty. They had flour for the sick men in the stockade, and wanted to get yeast, and Duncan came and asked him for his horse for that purpose. Duncan was acting as quartermaster. Bowers used to bring in rations to the camp. Duncan and Bowers were rebels. I did not get far when I attempted to escape; I was right near by. I could not go away, for I was naked, having nothing on but a pair of light drawers. I saw a man at headquarters, who they said was an informer, riding Captain Wirz's horse, but I did not see any one else.

THE CHARGES OF MURDER AGAINST WIRZ.

By the JUDGE ADVOCATE:

I saw Captain Wirz push soldiers into the ranks. I never saw him kick soldiers. I saw Captain Wirz menacing prisoners with a revolver; he menaced me too once. He held his revolver in his left hand; he never used his right hand except for writing.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

Captain Wirz used his left hand in mounting his horse. He always used only one hand; he used to lift himself up like a woman. Even feeble as he was he

could not use his two hands. From the time I came out of the stockade until I left, he was always very feeble. I do not know that the weakness of his arm depended on his sickness; I know that his arm was feeble.

STOPPAGE OF RATIONS.

Rations were stopped inside the stockade on the 4th July. They were not stopped altogether at any other time; they were stopped from some squads. I once saw that they did not bring anything at all inside; that was the 4th of July. No one at the south gate certainly got anything that day. On other days I know that some squads or messes did not get their rations; they were squads who could not find men who were absent. So far as my knowledge goes rations were not stopped for a man running away, but they were stopped until it was found that the man absent had run away; after that was found out they got their rations. It was not the order to stop the rations of the whole division if one man ran away. A confederate sergeant for instance would find that a man was absent, and would ask the sergeant of the squad where he was. The sergeant of the squad would not know. Men would be sent around the camp to look for him. Sometimes a man would be found sick in his tent who had not received any rations for one or two days. The camp police often found men so, and often bucked and gagged sergeants for allowing it. I have known some men to be without rations for two days. On that 4th July I got nothing to eat; I ran away because I did not like the prison; there was very poor eating in the prison. I could stand it myself, because I was always very healthy. Out of ninety-one countrymen of mine only four died. We were healthy and used to that kind of living, but I know that a great many other men died.

Q. Did you allow yourself to be put into the dead-wagon, laid along with corpses, and left in the dead-house all night for the purpose of escaping from a place where you got enough to eat?

A. Yes; that dead-house was a horrible place. I was lying alongside of dead bodies; some of them had gangrene, and some had their legs off.

Q. And you subjected yourself to all that suffering merely to escape from a place where you got enough to eat?

A. I told you that I did not have enough to eat, but I could stand it. A rebel came in with the wagon and issued the rations to the sergeants of the squads. The sergeants divided the into three parts. I can say by my sight that no rations were given out on the 4th of July. I cannot tell whether the sergeants kept rations from the men on the 4th of July. The rations were not stopped at that time because federal sergeants would not give them to the men. I spoke about particular men. I said that, if the sergeant wished, he might just as well make twenty-nine instead of twenty-eight rations, and let me have mine. All I know in that respect is what I suffered from the hands of one sergeant. I do not know whether the sergeants kept rations out of the hands of soldiers. If they asked the rations the confederate sergeants would give them to them. I know of other federal sergeants keeping rations from federal soldiers There was a man belonging to a squad on the north side of the camp, who used to come down to us, his countrymen, who were on the south side. On some occasions he got up too late for the distribution of rations, and he did not get any. The sergeant kept his ration, because he was not present at roll-call. This applied to particular persons. I cannot speak generally. When rations were stopped from a division the federal sergeants were not responsible; they were not to blame.

THE SUPPLIES FROM THE NORTH.

I saw thirty boxes brought into the stockade, but understand they were small boxes—every size that families sent to soldiers in the army. Those were the only boxes I saw in the stockade. I saw three boxes afterwards. The thirty

boxes that I saw was when I was inside the stockade. The contents of these boxes were distributed to the men. The names were upon these boxes. Some of them were directed "by Richmond," and there were those red tickets upon them—express tickets, I suppose. I do not know where the boxes came from. The boxes were given to the soldiers who owned them. I saw one man opening his box. I saw the boxes after they were opened, and I know they were opened by the men who owned them. The box that I saw opened contained a comfortable, two pairs of draws, two shirts.

Q. Was he allowed to keep them?

A. There was no one there to impede him or take them away. He kept them.

PRISONERS SHOT BY WIRZ'S ORDER.

I witnessed the death of Chickamauga. Some of the men were saying that this man was a poor cripple, and they pitied him, and some there who knew who he was—a great part—cursed him. There was not a great deal of noise. I do not know their purpose or intention, but I know they got him out of the dead-line and back into the camp. That was before Captain Wirz left the camp. The guard snapped his piece once before he fired. The guard pulled up his piece and cocked it again; he looked out, pointed it at Chickamauga, and shot him through the head. I next saw Captain Wirz about eight or ten days afterwards. I did not see him again on that occasion. After Chickamauga was shot, I followed on, first to about the middle of the camp, to see where he went, and then I got back to my tent. I was badly lamed at that time. After the shooting, I saw a man with the sentry at the sentry-box from my tent. It was long enough after that for me to make fifty steps. It took me about five minutes to go to my tent. I looked back from my tent, and saw some one besides the sentry at the sentry-box. I do not know who it was. I cannot say whether Captain Wirz went to the sentry-box or not—I am not sure. I saw the sentry at the sentry-box. Captain Wirz was not beside him; the sentry was alone. In about five minutes afterwards I looked up to the sentry-box and saw a man there besides the sentry. I looked up after the sentry fired. I heard here in court that Captain Wirz went up to the sentry-box immediately after the shot was fired. I cannot say that it is the fact. I cannot swear that Captain Wirz did not go up to the sentry-box at that time. I swear that I do not know. I swear that I heard men say so here in the court, but I don't know it myself.

Q. Do you swear that you did not hear his voice after he went out of the stockade?

A. As soon as the gate was closed I could not possibly hear his voice.

Q. Do you say it was not possible for anybody to hear from inside the stockade.

A. I do not know as to other ears. I said it was not possible for me to hear it.

Q. Was it possible for anybody else to hear him?

A. Believe it was pretty hard.

Q. Do you swear that he did not give orders to the sentry to fire at Chickamauga?

A. I swear that I did not hear him.

Q. Do you not recollect that the sentry said that he would not fire, and that he refused to fire?

A. I do not know, and I cannot swear that the sentry did say something, and I could not tell what he said.

Q. Did he hesitate to fire? Did he refuse or appear to regret to fire?

A. I did not see anybody order him to fire. Before he fired, he did look down this way and that, and then he fired. I was called, in the army, a blind

man. I have big eyes, but a very short development of sight. I am not a blind man, but I am very short-sighted. I could not tell at a distance of fifty feet whether it was Captain Wirz. I cannot see at that distance whether a man has a beard or not, or whether he is a negro or a white. When I wear short-sighted glasses, I can see pretty well. I had no glasses on at that time. I see a man there—(pointing to where the prisoner sat)—I see a man there with a black beard, but I cannot swear that it is him. There is a man standing in the light among the audience. I know him because he is a friend of mine, but I could not recognize a person with whom I was not acquainted. I would not rely upon my recognizing a man, with whom I was not very familiar, at twenty feet distance.

THE CREDIBILITY OF THE WITNESS, FREDERICK GUSCETTI.

I have been a good deal employed in doing nothing since I came to this city. I wrote an article before I left New York; I did not write it myself, but I furnished it to a lawyer named Reichart; he wrote the article. He asked me if I was willing to sign my name to it, and I said yes. That article was published in the Daily News. It was nothing but asking some funds for the defence of Captain Wirz, as he was a poor man. It was put in the paper long after the thing was written. It was published about the 27th or 29th of last month. I am sure it was written in New York. When Captain Wirz used to send me out to the farms to buy goods for his house, he often told me that the money he gave me he had to spare from his pay; I have heard him say the like to others at his wife's farm. On that authority I stated to the world that he was a poor man. I stated nothing but that. I have a copy of the letter.

Q. Is this (handing to the witness a printed slip of paper) the letter?

A. Yes, that is the letter. I have a copy of it.

Mr. BAKER. I object to this course of examination. It is a subject I have not examined at all. I was held to the strict rule that I could not cross-examine on any subject that was not touched in the direct examination.

The PRESIDENT. You would not try to affect the credit of your own witness.

Mr. BAKER. I did not try to affect the credit of any witness or throw any slur upon him.

The JUDGE ADVOCATE. I want to discredit this witness in any way I can.

Mr. BAKER. You can try to discredit him in any way the law permits, but you are held to the rule that you cannot cross-examine the witness upon any subject upon which I have not examined him.

The PRESIDENT. Counsel would have a right to discredit witnesses for the government if he thought proper.

Mr. BAKER. So far as any discredit from writing this letter is concerned, I consider it an honor to this witness. Therefore I do not stop the examination upon that ground.

After deliberation the objection was overruled, and the judge advocate read the following letter:

TRIAL OF CAPTAIN WIRZ.

To the Editor of the New York News:

Captain Henry Wirz, at present on trial before a military commission at Washington, *is a poor man*, having a wife and three children depending on the charity of friends for their support. He is entirely without the means of defraying those expenses which are unavoidable for a person who must singly and alone defend himself against the prosecution of the government. The sentiment in favor of a fair and perfectly just trial of any and all the state prisoners is so universal, that some of the personal friends of Captain Wirz take this method of appealing to all such as may feel interested in knowing that the accused has not wanted a fair and full opportunity for presenting the whole of his case in its true aspect before the tribunal charged with deciding his fate. Hence they ask for contribution of funds for that purpose, to be sent to the editor of this paper, to be by him forwarded to the consul-general of Switzerland at Washington.

It is hoped that the countrymen of Captain Wirz, and the adopted citizens generally, will feel it a duty devolving upon them especially, without allowing other considerations to prejudice his case.

All acquainted with facts in the case, and willing to testify for Captain Wirz, are requested to forward their names and address to L. Schade, esq., attorney at law, Washington, D. C., with a statement of what they can testify to.

F. GUSCETTI.

(Western papers please copy.)

Q. How did you happen to take such extraordinary interest in this case?

Mr. BAKER. I object to the question. In the first place the judge advocate assumes that the witness has taken an extraordinary interest in this case.

The JUDGE ADVOCATE. It is a fair assumption from the letter I have just read.

Mr. BAKER. The letter is a very just letter, and one that would do credit to the judge advocate or anybody else. I only wish it was myself who had written it.

After deliberation the objection was overruled and the question was repeated to the witness.

A. I was always, myself, treated well by Captain Wirz, and when I wrote this article, or had it written, I was in company with several other men who had been treated well by Captain Wirz. They said they could not come here as witnesses for him. I implicated nobody in the letter, but stated what I wished to see, that he should be tried justly.

The JUDGE ADVOCATE. You need not argue the case.

WITNESS. I did not argue the case.

The JUDGE ADVOCATE. You felt yourself friendly to Captain Wirz?

WITNESS. Yes, I felt grateful to him for what he had done for me.

The JUDGE ADVOCATE. It seems that you ruled Captain Wirz down there, rather than he you; explain that.

Mr. BAKER. I ask the court not to permit this class of questions.

Question withdrawn.

PRISONERS WHIPPED BY WIRZ'S ORDER.

Q. You started out to tell about an affair with the colored man Hawkins, and you ended with the colored man Fisher; what had Hawkins to do with the matter, and what had Fisher to do with it, or had either anything to do with it?

A. There were only two what they called white negroes—mulattoes—in the prison, who used to go out to work, and these were the men. I told you I did not wish to report who the men were; I knew well enough who they were.

Q. Did you know that they went out to get potatoes?

A. It was too dark to see who they were. You interrupted me in telling the story. I knew who the men were. I did not give orders to the negro to take the potatoes; I was out with a white man. The darkey stole the potatoes and I took them away from the darkey; he stole the potatoes and I took possession of them. I had to report the facts to Captain Wirz the next day. I had to say that we took them away from him. We intended to use the potatoes ourselves; we did not intend to give them to Captain Wirz. If to take them from another thief was stealing, then I stole them.

By the COURT:

I did not tell Captain Wirz that Hawkins stole the potatoes. He asked me from whom I got them, and I told him all I have said about it. It was Mrs. Smith that told him about Hawkins. Hawkins was not whipped in consequence of my statement; he was whipped on what Mrs. Smith said to Captain Wirz.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

By the JUDGE ADVOCATE:

I cannot swear certainly what day in the middle of September Captain Wirz was sick and confined to bed. It was when the sailors were sent off. I went out to Captain Wirz's house and saw him in his bed with his wife in the room near him. I asked him in French if he would allow me to go away with the sailors. He told me he could not do it; that he had orders only to send away sailors, white and colored. At that time Captain Wirz was on duty, but Sergeant Smith attended to his duty when Captain Wirz could not come. Captain Wirz was sick two or three days; I think for near three days he did not come to headquarters. That was the time the sailors left there. I was not out of the stockade before when Captain Wirz was sick. I knew that he was sickly, but I did not know that he was sick at home. I knew nothing about Captain Wirz being sick then, only after I was out of the stockade. Captain Wirz was sick three days after I came out of the stockade; that was the only time. He was always sickly.

VACCINATION.

I saw men vaccinated only once. I saw about 500, but there might have been 6,000 vaccinated. I saw a lot going down to be vaccinated. I know that they went for the purpose of being vaccinated. I think they were vaccinated. I saw some 500 men go down in two squads to where the doctors were vaccinating. I was in camp when I saw them. I did not go with them. I saw them when they came back, holding their arms as if they were vaccinated. I saw 30 myself there in the camp, sick, or after they were dead, who had suffered from vaccination. I saw some of them at the dead-line in the dead-house. I was vaccinated, and washed my arm afterwards. I had the shirt cut off above where I was vaccinated. I washed my arm because I was told it would do me good. When I was vaccinated in the old country I did not do that. I did not say that those who washed the vaccinated sore did not get sick, and did not lose their arms; I said that myself and my friends did that, without knowing if it would be good or not. We did not suffer from the vaccination. The men around me—5, 6, 8, 10—washed their arms after the vaccination. I only saw 30 men who suffered from the vaccination; I saw some 500 men going to be vaccinated, and I saw them coming back as if they had been vaccinated; I saw them coming back the same day. That was the only time I saw them. I only know of some 30 who were sick from vaccination. The others might have been all sick, but I only saw some 30 of them.

OCTOBER 3, 1865.

ANTONIO MANONI, for the defence:

I have been in the United States army, in the 7th Connecticut regiment. I was in the United States army three years. I was a prisoner at Andersonville. I arrived there on the first of May. I remained there five months. I went away on the 15th of September. We were sent to Florence, and on the way I escaped by jumping from the cars, and on the 23d day of October came within our lines and was sent to Beaufort, and thence to an island the name of which I do not know.

At the suggestion of the judge advocate, the further examination of this witness was postponed until the services of an interpreter could be procured, he being unable to speak the English language so as to be understood.

THE REPUTATION OF CAPTAIN WIRZ PREVIOUS TO HIS GOING TO ANDERSONVILLE.

JOSEPH THURINGER, for the defence:

I am a soldier in the army of the United States. I belong to the 18th veteran reserves. I know Captain Wirz. I saw him when I was a prisoner under him at Tuscaloosa, Alabama; it was in 1861.

Q. State what happened there.

The JUDGE ADVOCATE objected. He supposed the purpose was to prove previous good reputation, which could only be done by asking questions directly on that point. In establishing reputation particular acts could not be given but only general reputation.

Question withdrawn.

Captain Wirz at that time was a sergeant. There were 24 of us prisoners sent there at that time. I found about 500 there. I was under the charge of Captain Wirz. I have given him money. I was sent there on the 24th of December, 1861. I remained there till the 1st of March, 1862.

Q. State about that money business.

The PRESIDENT. What is your object, Mr. Schade?

Mr. SCHADE. What I propose is simply this: the prisoner has been charged with obtaining or receiving money from Union soldiers or taking it away from them and not returning it. I propose to show by this witness that in 1861, whilst the prisoner was in command of the Tuscaloosa prison, he received between $700 and $800 in gold from Union prisoners, this witness being one of them; the money was given to some officer under Captain Wirz, and the next morning Captain Wirz came and informed the witness and other prisoners that he had received the money and they might draw as much as they wanted; that they did so, and that the day before they left he returned them the balance. I put this witness on the stand for the purpose of showing previous good conduct in this respect on the part of Captain Wirz.

The JUDGE ADVOCATE. The point the government makes against this evidence may be embraced in two propositions: First, that the defence is an improper and immaterial one, for the reason that a man may have led an honest life up to 24 hours before he commits a premeditated murder, and it does not matter what his good conduct may have been up to that time, or if it does it can only be shown by general reputation. The offences charged against the prisoner at Andersonville, in other words, cannot be defended by showing good conduct prior to his going to Andersonville. The second proposition of the government is that he can only enter into that subject as the books lay down, by first asking whether the witness was acquainted with the previous reputation of the prisoner, and then what that reputation was; but particular acts cannot be entered into to show good reputation, and the reason of it is very obvious. Captain Wirz might have committed two, three, or four kind acts, and yet have committed 96 of the 100 very mean and cruel acts. These are the reasons why the evidence is objectionable.

Mr. SCHADE. The object I had in view was merely to show the general character and disposition of the prisoner. This man is charged with crimes sufficient to hang 10,000 men, and we are trying to show that his disposition four years ago, while he was commanding a prison where he had the same facilities for ill-treating prisoners, was a good one, and that he never committed any such acts as now are charged against him. I think I do not trangress the rules of law in the question I ask; I will, however, confine myself to asking the question as the judge advocate suggests it.

Q. Were you at that time acquainted with the general character of the prisoner as to kindness and humanity?

A. No; I did not know anything about him before.

The JUDGE ADVOCATE. The question is, whether at that time, from December to April, you made yourself acquainted with his general reputation for kindness and humanity among the prisoners.

WITNESS. Yes, sir.

Q. State what it was.

A. He always treated right every man in the prison. One was treated as well as the others; we had the same rations.

Q. Had you rations sufficient?

Objected to by the judge advocate and question withdrawn.

Q. You do not know of any ill-treatment of prisoners by him?

Objected to by the judge advocate and question withdrawn.

Cross-examined by the JUDGE ADVOCATE:

In that prison I never heard Sergeant Wirz's reputation discussed. I never heard it mentioned at all. I never heard it mentioned one way or the other; we were separated from the others, eight of us being in one room.

Q. Then all you know is what you observed in regard to his treatment of the eight?

A. I did not go around much in the prison. I used to go out once in a while. I never heard any of our men mention anything about him one way or the other. I was there from December, 1861, till the 1st of March, 1862; Captain Wirz was there all the time. I am sure it is the same person.

COUNSEL FOR THE ACCUSED APPLY FOR AN ADJOURNMENT OF THE COURT TO GIVE THEM TIME TO PREPARE THE DEFENCE.—DECISION.

Several witnesses for the defence were called, but failed to appear.

Mr. SCHADE. The court will remember that when the prosecution closed, we, the counsel for the prisoner, asked for eight days' time to prepare the testimony for the defence. It was refused at that time, and though we had come into the case at a very late hour, without having had time to make ourselves acquainted with the testimony for the defence, we did everything in our power, working night and day, to be ready and bring in our testimony. The health of both of us has been impaired by this hard work, and we ask now that more time may be granted, particularly as the most important part of our testimony is yet to come in, so that we can do justice to the prisoner as well as ourselves. In order to save the government unnecessary expense, we have discharged this morning several of our witnesses whose testimony has become unimportant or irrelevant on account of the rulings of the court. Others of our witnesses are expected every day. It is impossible for us to go on with the case unless we have that time which I now ask, and in my opinion, and I think the court will share in that opinion, the government will not be a loser by it; on the contrary we will then be enabled to finish this trial much sooner than we could under other circumstances. We might have been able to go on to-day with four witnesses if they had been here, but still the time would have come when the question which I am now raising would have been raised. I hope the court will do us justice in this respect. We have been doing as much as we could do; we have never murmured at anything that was ordered to done. We are fully aware of the importance of this trial and the consequences thereof, and we cannot as men of honor go on without knowing positively that we are able to do justice to the prisoner as well as to ourselves. I ask therefore that the court may adjourn until to-morrow a week, the 11th of October.

The PRESIDENT. I understand that you have witnesses in this city and in attendance here.

Mr. SCHADE. We have such witnesses in the city, but they are absent. I am ready to go on whenever the witnesses I have called appear; but then at the same time we have overworked ourselves, and we must have more time to do all we can do and that we ought to do.

The PRESIDENT. Your plea is not a good one while you have witnesses in attendance.

Mr SCHADE. We have some in the city.

The PRESIDENT. Then go on with them.

Mr. SCHADE. They are not here. If the court is willing to wait, I have no objection at all; but the point is this, that with regard to other witnesses we must have time to prepare them.

The PRESIDENT. Where are your witnesses—the ones that you were going to examine to-day?

Mr. SCHADE. I ordered them to be here this morning, and we are waiting for them. I do not ask the adjournment to-day, but to-morrow. I am willing to go on with the witnesses I have here. I have merely made this statement that the court might know what we want to have done.

The PRESIDENT. Is the court disposed to adhere to its former decision on this subject?

A MEMBER OF THE COURT. An application for a week's delay has been refused already, and I do not see why it should be granted now.

The PRESIDENT. The decision of the court, Mr. Schade, is, that you must go on with the witnesses who are in attendance.

Mr. SCHADE. Then the court must wait until those witnesses come.

The JUDGE ADVOCATE. There are other witnesses for the defence here.

Mr. SCHADE. I am not prepared to examine them now.

The JUDGE ADVOCATE. I do not think the court or anybody else is responsible that you have not attended to your own business. Now, I know as a matter of fact that preliminary examinations can be had at the rate of twenty-five witnesses a day, and every adjournment of the court has been as much for the benefit of the defence as the prosecution. Most of their witnesses now here have been here over a month; they were subpœnaed when Judge Hughes and his associates were in the case. Every power that the government has, has been brought to bear to enable the defendant to bring his witnesses here, just as many and whom he pleased; in no case has an application been refused. Certain witnesses that the papers intimate will be here have not been subpœnaed, and not yet asked for, though an intimation has been made that they will be asked for, but every witness whose name has been handed in has been subpœnaed. The government, through this court, has ordered that the accused be furnished with a copy of the record at the expense of the government, a thing unheard of heretofore. There are two counsel, whom the court are bound to presume are competent to conduct the case. One of the counsel could examine the witnesses preliminarily, and the other conduct the examinations in court. The court sits from ten till three o'clock, only three hours of which time are occupied in taking evidence. Therefore up to twelve o'clock these preliminary examinations could go forward, and after three o'clock and up to ten o'clock in the morning there is certainly time enough to prepare each day's work. Now my associate and myself do not feel, on the part of government, like doing anything improper or crowding the defendant to the wall in any particular, but the record will show that he has had every indulgence within the law and a great many outside of the law. I hope, therefore, that the court will require the counsel to go forward immediately, and that Mr. Baker will be sent for, or that some reason will be given better than we have yet had for any further delay.

Mr. SCHADE. The judge advocate states that he can examine preliminarily twenty-five witnesses a day. He forgets, however, that the testimony for the prosecution comprises not less than 3,500 pages of foolscap, and there is not one point, or two, that we have to meet by other testimony—about a hundred or more; we have, therefore, when we put a witness on the stand, to ask him a hundred or more questions, particularly if he was at Andersonville when Captain Wirz was commander of the prison there, and that cannot be done in a few minutes.

I think the gentlemen of the court will at least concede that after being confined here from ten till three o'clock, it is pretty tiresome to have to sit down again for three, four, or five hours to examine more witnesses, and to do this from day to day. I do not ask the court to do anything out of the way, but I state that we must have more time if we have to go on with this trial at all. That is the opinion of my colleague as well as myself.

The PRESIDENT. I can understand why one of you is required to be present during the examination of witnesses here, but I cannot understand why both are. One of you certainly can be making preliminary examinations.

Mr. SCHADE. If we only had to disprove one or two facts that might be possible, but, as I have stated before, we have to disprove a hundred facts, and therefore we cannot do it. We must be very careful in the preliminary examination of our witnesses.

A MEMBER OF THE COURT. This trial has been going on for a very long time, and it seems to me I could have examined ten times the number of witnesses you have brought here, or anybody else could. After half a dozen witnesses had been examined, any lawyer could see what the line of defence was, but if you are not prepared with the line of defence you will not get through at all. We shall sit here month after month and not finish the case. I think you have had ample time, and I am not disposed to give any more.

Another MEMBER OF THE COURT. You had better examine the witnesses you have here.

Mr. SCHADE. Those I propose to put on the stand are not here.

The PRESIDENT. Mr. Schade, you must take some action about this matter.

Mr. SCHADE. I cannot do anything; the witnesses are not here; I must wait until they come.

The JUDGE ADVOCATE. I suggest the time be granted for Mr. Baker to arrive.

The PRESIDENT. Mr. Schade, do you wish Mr. Baker sent after?

Mr. SCHADE. I expect Mr. Baker here almost every moment.

The PRESIDENT. We cannot wait for Mr. Baker's pleasure; that is perfectly absurd.

Mr. SCHADE. I cannot help it that Mr. Baker is not here.

The PRESIDENT. You seem to be very indifferent about it.

Mr. SCHADE. I do not see that I am indifferent. I am not indifferent. It is because I have the interests of this man at heart that I ask a postponement.

The PRESIDENT. That is not the point. You seem indifferent about going on with the trial. I understand you to say that if we do not give you this time you ask, you will have nothing more to do with the case.

Mr. SCHADE. I simply say that if we have not time we cannot go on.

The PRESIDENT. That is very frank. We may as well decide what shall be done. Let the court be cleared.

The court was cleared for deliberation, and when the doors were reopened

The PRESIDENT said: Mr. Schade, by reference to the records, we ascertain that there are some seventeen witnesses for the defence now in attendance in this city, exclusive of those whom you have already examined and those whom you have discharged because you do not wish to examine them. Under the circumstances, therefore, the court are of opinion and decide that you must go on and exhaust the testimony of those seventeen witnesses; and if you do not, the court will then take the matter into its own hands and assign the judge advocate or assistant judge advocate to proceed with the examination of such witnesses as have been summoned by you.

Mr. SCHADE. I cannot say anything till I have consulted my colleague.

The PRESIDENT. It is your colleague's business to be here, not our business to send for him. He knows the hours of our session and the place of our meeting; and we cannot wait on him.

After an interval of some minutes, no witnesses being present, the court took a recess till two o'clock p. m.

On the re-assembling of the court.

Mr. BAKER (who had come into court during the recess) said: I beg leave to state to the court that having learned what has taken place here to-day as well as I could, I am here simply to say that I do not see how I can possibly go along with this case in the way in which I am obliged to do now. When the defence commenced, I had some witnesses whose testimony I had gone over, and their testimony was in such a condition that I have been able to go along thus far until yesterday. Yesterday the court could see what difficulties I was suffering under. In regard to the witnesses whom I last had on the stand, in my hurry to relieve the court from the unpleasantness occasioned by the stumbling way in which we had to get along, I let the witness off before I got through with him; and I found, when I got to my office last night, that on three or four of the most vital points I had entirely neglected to question the witness. This was because I saw that the court was getting impatient, and I desired to get along as fast as I could. Now, we have a number of very important witnesses for this defence; I may say, indeed, that they constitute our defence. Those witnesses I cannot put on the stand until I have consulted with them and arranged their testimony. It would be utterly futile for me to attempt to follow this extensive case by putting these witnesses on the stand and questioning them at random. Certainly, if we have any defence, it seems to me that we ought to have reasonable time to get it out of our witnesses. I have discharged some witnesses that have come to me since I have been going on with the defence, because they did not seem to be very material, or because, although their testimony embraced some points which were quite important, yet in my anxiety to relieve the government I let them go. I have discharged some without examining them at all, so as to relieve the government, as far as possible, expense. Now, then, if there can be any compromise between the desire of this court to keep us going every day and our desire to have some days to prepare, I wish it could be done. I wish we could have time to prepare our testimony in such a shape that we could examine our witnesses intelligently and let them go. Certainly, to put witnesses on the stand without knowing what they would testify is almost an insult to this court. I must say that I cannot do so. I would not thus stop and cause a break in the progress of the trial, unless I felt obliged to do so. I work as hard as any man can; but I do not see how I can go any further. I will state for the information of the court—perhaps it may have some effect on its decision—that I this morning suggested to my associate the propriety of trying to obtain some one as an assistant, who would come into court with him and examine the witnesses, while I would stay in my office going through the testimony of witnesses, putting it in the form of questions and sending the witnesses here to be examined. In that way, I think, we could expedite matters and make things run smoothly. I have quite a reasonable prospect of obtaining such an assistant in two or three days, a gentleman having promised that he would look over the case, and having given a favorable intimation that he would take hold of it. If that arrangement can be consummated, I will work in my office as hard as I possibly can in preparing testimony, and I will try to keep the business of the court going on. I will do anything else that is practicable in order to expedite the trial. But as to putting witnesses on the stand when we have had no opportunity to talk with them and to know the points to which they will testify, the court must see that such a proceeding would be almost a mockery of a trial.

The PRESIDENT. The court has repeatedly manifested a disposition, Mr. Baker, to be as liberal towards you as possible. In civil courts, nothing is more common than to continue cases on account of the absence of witnesses; but I think that in the experience of the last half century you cannot find a single

instance in which a court allowed a continuance in order to enable counsel to arrange testimony, or, what is equivalent, (to use the common term,) to drill witnesses. I do not use the word "drill" offensively; but you have spoken of arranging the testimony of witnesses in the form of question and answer. I am satisfied, for my part, that the decision which the court has made upon this point is strictly right.

Mr. BAKER. I did not know that there had been any ruling on this point.

The PRESIDENT. Yes, sir; we cleared the room for deliberation, and subsequently announced our decision. The reporter will please read that decision for the information of counsel.

Mr. BAKER. It is not material for me; but I had not been informed about it. Allow me to say one word further. It has been understood that, during the progress of the evidence for the prosecution, the prisoner prepared questions to be put to witnesses; but, on examining those questions, I find sometimes a whole page, of which not a word could be allowed here. Many of the questions, of course, bring to me information and suggest to me points to be gone over with the witnesses; but still those questions do not expedite the examinations before the court, because I have almost as much trouble in avoiding what is improper as I would have if I had not these questions at all. The government had ample time in preparing the case for the prosecution; they also had one or two adjournments to do what they called sifting out and arranging their testimony. The government, in the examination of its witnesses, had very full statements as a guide in putting questions; and the court must see that unless we can be prepared in the same way, we can never get through decently with any witness, especially when there are so many points to be examined.

The PRESIDENT. There was not an hour of that time accorded to the judge advocate, which might not have been made equally profitable to you if you had used the same measures.

Mr. BAKER. The President neglects to notice that we had no idea of the case until it started, and that, while we were going on from day to day, we must keep track of the witnesses put upon the stand for the prosecution.

A MEMBER OF THE COURT. There was a firm which had charge of the defence before the trial began, and one of the gentlemen who was then engaged in it is now here.

Mr. BAKER. If my colleague would go on with this case in court, I would be very glad to have him do so. I proposed to him this morning to try to go on in court, and allow me to arrange testimony in my office and send the witnesses to him from day to day. I should be very glad if some such arrangement could be made. If I know my own heart, I know that I do not want to give up this case; I do not want to sacrifice this defendant; but if it comes to the point that I must go on with witnesses before I have any opportunity to know how they will testify, I must relinquish the case. I am willing and ready to do all that I can; I have shown the court my willingness by working, as I have done, the last ten days; but I entreat this court not to ask me to do what I cannot do. I am now doing every day two men's work. I am examining witnesses from 7 o'clock in the morning until 11 o'clock, when it is time to come here. Again at half past 3 I am in my office, where I work until dark. I do one day's work in court and another day's work at my office. How can any man work more?

The PRESIDENT. All that we cannot help.

Mr. BAKER. I know you cannot, and I regret that I am in such a situation that I have to ask these favors. I regret very much to be put into such a position that I cannot go on, because I cannot do any more work. Anything I can do I will do most willingly.

Mr. SCHADE. In reply to the remark made by a member of the court, I desire simply to say that up to the time when this trial commenced Judge Hughes and

the other members of that firm had had the whole management of the defence. I did not then know anything of the case.

Mr. BAKER. If any member of the court, or either of the judges advocate can name any professional man who can be induced to take hold of this case and assist in it, I will work most heartily in co-operation with him, either in court or out of court.

The reporter, by direction of the president, read the decision of the court, previously announced on the application made by Mr. Schade.

The ASSISTANT JUDGE ADVOCATE. Several witnesses for the defence with whom Mr. Schade has conversed, so as to be cognizant of their testimony, have come in since the recess. I should think that the court, under the circumstances, might go on with their examination, and perhaps this afternoon accord to Mr. Baker the time which he wishes to prepare the testimony for to-morrow. I hope that it will not be thrown upon the representatives of the government to carry on the defence, as it will certainly be much more easily grasped and presented by those who have followed it from the beginning.

Mr. BAKER. The court, I think, must see that by driving us every day in this way, giving us no adjournment, we shall be compelled to go on in this stumbling way for a week or a fortnight.

The PRESIDENT. You have heard the decision of the court. We must have your decision one way or the other.

Mr. BAKER. The assistant judge advocate has this moment suggested to me that he may be able to furnish me with a short-hand reporter to-morrow to assist me in the preliminary examination of the witnesses. I am willing to try that. I shall regret very much to give up this case; but if I must give my answer now, I think I must say that I cannot go any further. I say this with heart-felt regret.

The ASSISTANT JUDGE ADVOCATE. I would like Mr. Schade to state whether he has or has not witnesses to put on the stand to-morrow.

Mr. SCHADE. I have some, but not a sufficient number to fill up the whole time.

The ASSISTANT JUDGE ADVOCATE. In the event of the defence being undertaken by the judges advocate, an adjournment at least over to-morrow will be necessary; and if such an adjournment can give time to the counsel for the defence to go on, it would, I think, expedite the conclusion of the case.

The PRESIDENT. As I understand Mr. Baker, one day would be of no service to him.

Mr. BAKER. I should think that, with a short-hand reporter, an adjournment of one day would help me very materially; but if I could have two or three days, I should have no more trouble during the whole defence.

The PRESIDENT. The court is disposed to go on with the trial.

Mr. BAKER. Then I must stop. I do it respectfully, and as an evidence of my good intentions I am ready to assist the judge advocate, in any way which he may desire, by giving him information, or anything of that kind.

A MEMBER of the COURT. I desire to ask the counsel whether, if we should give him one day, he could go on with the case?

Mr. BAKER. I thing I might go on the rest of this week certainly.

Another MEMBER OF THE COURT, (to Mr. Baker.) Could you not go on now and examine witnesses who are in this city, and some of them in this court-room?

Mr. BAKER. The trouble is not that witnesses are not here; the difficulty is that I do not know to what they will testify.

The PRESIDENT. It is very singular that you should summon witnesses and not know to what they will testify.

Mr. BAKER. It is not worth while for the president and me to argue on that point.

The PRESIDENT. I am satisfied that the better way is to bring the matter to a close immediately.

The court was cleared for deliberation, and when the doors were reopened, the president, addressing Mr. Baker, said: To facilitate your labors, the court has decided not to continue the trial any further this afternoon, but to adjourn until to-morrow morning at 10 o'clock.

Mr. BAKER. I will try to go on at that time.

OCTOBER 4, 1865.

AUGUSTUS MOESNER, for the defence.

I have been a member of company G, 16th Connecticut volunteers. I was captured April 20, 1864, and taken to Andersonville. I arrived there on the 3d of May, in the evening. On our arrival we were kept under guard, and next morning Captain Wirz came to the place with several of his sergeants and we were counted off in squads and sent down to the stockade. I remained in the stockade up to the 24th of May, 1864. I was taken as a paroled prisoner to Captain Wirz's office as a clerk.

THE RATIONS.

When I was first taken out I was not well acquainted yet with the English language, and I only made some copies, and also wrote in the roll-book. Among other dutes I had to carry orders down to the stockade, and to carry returns and morning reports to General Winder's headquarters, and I also had to go to the commissary with returns.

Q. Did you have anything to do with requisitions on the commissary and quartermaster? If you did, state all about it.

A. Those requisitions and returns, I think, were made out every day, and they stated the number of prisoners inside the stockade; and there was also another requisition for those men who were detailed and men outside at work as paroled men, because they all got a second ration.

Q. Do you mean a double ration?

A. Yes, sir; double rations.

Q. How were the requisitions made out as to quantity?

A. They stated the number of men present, but the quantity of the rations was left in blank.

Q. Who would fill it up? How would the commissary know how to fill it?

A. He saw how many men were there, and as many men as he had in the requisition, so many rations he had to provide.

Q. He would make it out from his own will, or from information in his office?

A. He would do so. Captain Wirz had nothing to do with it. It was left entirely to him.

Q. What, if anything, had you to do in relation to the cook-house?

A. There was, every morning, a list made out, and on this list was put the number of the squads, and the number of the detachment, and of each detachment, how many rations the detachment had to get; because there were many squads which had not ninety men. There was not one squad which had ninety men in line; many were detailed out, and many in the hospital, and their rations had to be taken out; and so in those lists we stated how many rations every detachment had to get from the cook-house. I brought that list down to Mr. Duncan. I left it there and went back to my quarters. I do not know anything about the rations after that, or anything that came from the cook-house. I had nothing to do with that. Captain Wirz had nothing to do with that. As soon as Duncan knew how many rations he had to give out, when the rations were cooked, he would bring them down to the stockade; that was his duty. The requisitions for the hos-

pital were made by Dr. White. We had nothing to do in our office with the hospital. I do not know that any requisitions for anything for it were made out in our office or signed by Captain Wirz.

Q. What did you have as rations while you were outside, and in what quantity, and what did you do with them?

A. The first time I was outside there as a clerk, I went every day once to the cook-house and got my rations there. I got a piece of corn-bread and a piece of bacon. I could have gotten some rice or some beef, but I did not take them.

Q. Did you have any sanitary goods, or did you eat anything belonging to Union prisoners out there?

A. I never had any, because there were never any provisions sent by the Sanitary Commission. I had an extra ration. We got money for it. We sold it to Captain Wirz. He paid us eighty cents a day, confederate money. He never took any away without paying us. I was paid every month.

STOPPAGE OF RATIONS.

I do not recollect that the rations were ever stopped for the whole camp. The rations were sometimes stopped for a squad when the sergeant of the squad—federal sergeant—reported a man missing in the line. They were stopped that the men of the squad should go and hunt up and look for the man, to find him; perhaps he might be in another part of the stockade, sick somewhere else, and if he was not found he could not be treated, as they could not send a doctor to him; but afterwards if the man was found, or if the federal sergeant reported the man as escaped, it was altered, and the squad could get their list. I know that I wrote down the lists for rations and I had to remark it if a squad was deprived of its rations, because it was left in blank, and I know that very often or sometimes, when the missing man was found it was altered and sent down to the cook-house to Mr. Duncan, who was told to give that squad rations, because the federal sergeant could answer for the missing man and say that he was sick or was escaped. As soon as the federal sergeant could give an answer for the man it was altered and the squad got their rations. It was done by Captain Wirz's order.

Q. Did you have any orders to keep them all day, or could you as soon as the missing man was found have the rations sent to them?

A. If Captain Wirz would not have been there in his office the sergeant would have come back and reported those missing men as found, and we had power ourselves—we clerks—to send down to Mr. Duncan and tell him to give those squads their rations.

THE SUPPLIES FROM THE NORTH.

As far as I recollect we got boxes from the north three times. The first boxes we received came in May, 1864. I was just at that time in the stockade yet, but I recollect very well when those boxes were brought in. Those boxes were boxes sent from the friends of prisoners and not from the Sanitary Commission. The boxes were brought into the stockade and every one who received a box had to sign a receipt. Many things in those boxes were spoilt because they had been a long time on the road. A Union sergeant close to my tent received a box and signed for it. A few days afterwards I was paroled and came out, and we had close to our office a shanty where some provisions for the hospital were kept. I saw many boxes in there. I asked one of the clerks "what kind of boxes those were," and he told me that those were boxes for prisoners who could not be found or who had died. The things in those boxes were turned over to the hospital and the confederate hospital steward divided them. They

were in his charge and he from day to day sent some of the things in the boxes down to the hospital. The second time we got boxes was in August. We got at this time only a few boxes. Lieutenant Davis was in command of the camp. We got about sixty or seventy pairs of pants, about 100 blouses, 100 caps, and fifty pairs of shoes. I myself got a whole suit at this time. Lieutenant Davis gave all that clothing to the men who were outside at work.

Q. What reason did he assign for doing that?

A. We had at that time about 32,000 or 33,000 prisoners in the stockade, and he said it was no use to send the clothes inside, because it would not make but a single piece to one squad and it would only make trouble inside, and perhaps there might be some fighting, so he gave it to the men outside at work. The third and last time I recollect that we got some boxes was in the first part of November, 1864. We got about 300 blankets and 300 pairs of pants. They were what are known as citizens' pants, brown and gray, a mixed color, and we got gray shirts and gray drawers and stockings, but only fifty pairs of shoes.

Q. What was done with them?

A. Those boxes were brought to our office directly from the depot. Our office was at that time not far from the depot, and Captain Wirz called us clerks all together and we had to help to unload them and bring them down into a storehouse close to our office and count them. We found that there were about 300 pieces of each kind, blankets, drawers, &c.

Q. What did you do after you counted them?

A. We brought them to the storehouse close to our office to count them up. There were no prisoners in the stockade then, only those in the hospital and the men who were paroled. The prisoners who were inside the stockade had all been sent to Millen and other camps. Captain Wirz sent down for all the paroled men, about 150, and they were brought to our office and every one of those paroled men got a whole suit, except shoes, because we had only fifty pairs of shoes. He gave the shoes to those men who needed them very much. Our chief clerk, Martin, called the roll and I had a sheet of paper and wrote down the names of the men as they were called, with their rank, regiment, and company; there were several columns in which I marked down what each man received, and after he had received it he had to sign his name, or if he could not write he made a cross and I put my name down as witness. After all the paroled men had been supplied I myself got a whole suit, excepting shoes. He would not give me any shoes because he said my shoes were good enough. The other things were turned over to the confederate hospital steward; he came over and the things were counted off all together and he signed a receipt for them and they were brought over to the hospital or Dr. Stevenson's office.

Q. Did you ever see any colored men get anything there?

A. There was some of them, but not all.

Q. Did the colored boys who were connected with the headquarters get anything?

A. There were several; I do not recollect just who it was, but some of them got some clothes—those who needed them. There was a confederate sergeant in charge of those colored men, and he came over and brought those that needed clothing and they got clothing.

Q. What quantity of boxes did you ever know to be there belonging to prisoners who could not be found, who were dead or missing in some way?

A. Thirty or forty; I could not just state the number.

Q. Did you ever see any quantity of boxes at the chief surgeon's office for prisoners?

A. Yes; that is what I stated before; those were for prisoners who could not be found. Their number was about thirty or forty boxes; large boxes and small boxes and boxes of different kinds. Sometimes prisoners also received

boxes from their relations down in the south. They were opened and searched to see if there were any liquors in them, and if there were not they were sent in to the prisoners. I myself, with the help of another clerk, whose name was Richards, brought a box in by order of Captain Wirz to a man by the name of Wright, of the 16th Connecticut regiment, my regiment. I have seen a quantity of receipts for boxes at the captain's headquarters. It was a large quantity. I could not just say how large. Those were for boxes sent when I was inside the stockade. The boxes had been sent and receipted for. Captain Wirz had nothing to do with the boxes after they were turned over to the surgeon; the provisions or whatever was in them were divided by the confederate hospital steward; he had charge of them.

Q. What do you know about anything belonging to prisoners being taken to or used at Captain Wirz's headquarters—anything to eat or anything to wear, or anything of that kind? Did you ever see Captain Wirz eating anything belonging to the prisoners?

A. No, sir; he never did. So long as we were in the block-house, before he was sick, he only took one meal in his office, and that was his dinner, which was brought about one o'clock; afterwards he sometimes took his breakfast there.

Q. When did he commence taking his breakfast there—after he was sick or before it?

A. It was after he was sick; after Lieutenant Davis was gone. It may have been in September, but it was not very frequently that he took his breakfast there. I have seen confederates wearing something that had belonged to Union prisoners. They bought them. Just after we had received those blue pants and blouses I saw many of them wear new pants which they had bought. I myself got a new pair of pants at that time, and I sold them to a rebel sergeant for five dollars, and bought for those five dollars a blanket. I had no blanket, and the nights were beginning to be very cold, so I sold my pants and got a blanket.

Q. What do you know about taking things into the stockade to deliver to the prisoners—did you ever do it yourself?

A. I brought in some boxes which had been sent in by the relations of prisoners. I brought them in by the order of Captain Wirz. It was generally done when such boxes came there, but the boxes were first searched to see if there were any liquors or such things in them; if they contained only provisions they were sent in immediately.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I never knew Captain Wirz in any way to take blankets or anything from Union prisoners. I never heard about any order to that effect by him. An order was given to search the men who were called Stoneman's raiders, who made the raid through Georgia last year. I heard that his men were searched over there, close to the depot or near Castle Reed. I was not present when they were searched. It had nothing to do with our headquarters; nothing was brought to our headquarters. It was an order given by General Winder to search them. I know that once there were some prisoners brought in from Sherman's front, and the officer in charge, when he came in and reported to Captain Wirz, brought in twelve or fifteen watches which had been taken from those prisoners. Captain Wirz asked him "what he should do with those watches." The officer told him they were taken from the prisoners and that he had orders to give them to him. Wirz told him that he had nothing to do with it, and sent the watches to be given back to the prisoners. Those men were brought in from Atlanta.

Q. Did you ever know any rebel sergeant to be put under arrest while you were there?

A. Yes, sir.

Q. State all about it.

A. There was a sergeant who was detailed to the engineer who made the fortifications around the stockade, and when those Stoneman's raiders were searched, he took some money, I heard; I did not see it.

The JUDGE ADVOCATE. Don't state what you heard.

He was put under arrest and sent to the front to his regiment.

Q. Were there any complaints made at headquarters against sergeants for taking things away from prisoners?

Objected to by the judge advocate, and question withdrawn.

CONDITION OF THE WATER.

Q. What do you know about Captain Wirz's orders to Duncan in regard to taking things into the prison?

A. I think, but I am not sure about it, that it was Duncan who once made a report that the prisoners complained about the water; that was in the first days when I came out of the stockade—when I was paroled. Captain Wirz gave Duncan some tools, picks and shovels, so that the prisoners could dig some wells, and also he gave Duncan orders to provide the prisoners, as far as he could, with barrels to put round the wells to prevent men from falling in—what we call curbs. It was Duncan and Humes to whom those orders were given.

Q. What do you know about his orders for digging a well near the bake-house?

A. There was a well close to the cook-house No. 1; I do not know if the water was good or what kind of water it was, but I saw that there was a well there.

Q. What do you know about his order for the removal of the slops from the bakery?

A. Well, when the prisoners complained about the water, that it was dirty, there was an order given to Duncan to put the slops in some barrels, and to carry them off with teams, but Duncan could not get teams; they could not be furnished by the quartermaster.

Q. Was that the reason he could not remove the slops?

A. Yes; Duncan came into the office and reported to Captain Wirz that it was impossible to carry off those slops, because he could not get teams; that he had been to the depot to the quartermaster and the quartermaster told him that he had none on hand.

Q. How often would axes, spades, and tools of that sort be given to the prisoners, or would they be given at all?

A. At first we had two police squads inside the stockade, one on the north and the other on the south side close to the gate, and it was their duty to clean the camp; but afterwards, when we got more prisoners in, there was a detail of a hundred and fifty men, and after Captain Wirz had made many requisitions he got some tools at last. It was very hard to get them. He got, I think, about seventy-five shovels and seventy-five picks, and those men had to clean the camp, and got for their work a second ration. But it was of no use, because those tools, the picks and spades, were in a bad condition, and in the evening fifteen or twenty would be brought out which were broken.

Q. Was it a general thing to have the tools broken in that way?

A. Yes, sir; nearly every evening when the men came back some of the tools were broken.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Q. What do you know about little boys being taken out of the stockade and what was done with them?

A. There were about forty or fifty boys inside the stockade, who had been taken prisoners, and Captain Wirz requested Dr. White to take some of them to the hospital as helps to the nurses or cooks there; because it was no use to keep those boys as prisoners of war, they would only get sick and die inside the stockade or they would get spoilt there, and, if it was in his power, he would send them to our lines, because it was of no use to take boys as prisoners of war.

The JUDGE ADVOCATE. You need not argue the case.

Mr. BAKER. He is only stating what Captain Wirz said.

The JUDGE ADVOCATE. The court has ruled on that point over and over again.

Mr. BAKER. I am not putting in the language; I am putting in the reasons why he took the boys out.

The JUDGE ADVOCATE. I object to your going any further in that direction; you can prove the fact that the boys were taken out, but the court must judge whether there was any humanity about it,

Mr. BAKER. I shall not argue the question. If the court does not want to know the reason of Captain Wirz's actions I will not press it. If the court does want to know the reason of all these actions, whether good or bad, then we must get at it in this way. It is so clear that I shall not insult my own intelligence by arguing the question.

A MEMBER of the COURT. I do not understand the court to have ruled that statements accompanied by acts are inadmissible.

The PRESIDENT, (to witness.) Was this statement made at the time?

WITNESS. Yes; he told the doctor to take the boys out, and gave the reason for it.

The PRESIDENT. When did these remarks come from Captain Wirz?

WITNESS. I said that Captain Wirz requested Dr. White to take the 40 or 50 boys out.

The PRESIDENT. When did Captain Wirz make these remarks?

Mr. BAKER. Was it at the time he took the boys out?

WITNESS. Yes, sir; when he took out those boys.

The PRESIDENT. I was endeavoring, Mr. Baker, to ask the question so as not to suggest the answer to the witness. You asked it and suggested the answer directly.

Mr. BAKER. I supposed the court was trying to get at the fact.

The PRESIDENT. When I ask questions I do not need assistance.

Mr. BAKER. I did not mean to assist you at all.

The objection was sustained.

Captain Wirz took them out of the stockade and sent them to the hospital. One of them, a small little boy, who seemed to be ill, he took in our office and told us clerks to nurse him, and we had him there. When the boys were taken out they were sent to the hospital to assist the nurses and cooks, and some of them were sent to get blackberries for the sick. I myself when I came out of the stockade was sick; I had the dysentery, and I asked one of the doctors to give me some medicine; he told me that he himself had been in the same fix, and that all the medicines they had there and that he had tried were not good for anything; and he told me that I should go and get some blackberries; that that would be the best. I did so and I was cured by it; and so Captain Wirz gave orders that these boys should be sent for blackberries to be used as medicine for the sick in the hospital. Afterwards I came to the hospital and found some men of my regiment there, and I asked them if they had got any of those blackberries, and I heard that the nurses had made some pies of them and that the sick men got none.

Q. What was the rule in regard to men under punishment that got sick?

A. Well, sir, when a man who had been ordered to wear a ball and chain

complained that he was sick, a doctor was sent for, and if he found that it was so, the ball and chain would be taken off and the man would be sent to the hospital if necessary; also, when new squads of prisoners came in, and there were men among them who claimed to be sick, the doctor who was officer of the day was sent for, and he had to see if the men were really sick or not; if they were they were sent to the hospital. I recollect also that once there was a man amongst them who told me he was a hospital steward in our army; I spoke to Captain Wirz about it, and the man was immediately sent to the hospital as a steward; he was paroled and was not sent into the stockade at all. Some of the hospital attendants serenaded Captain Wirz and Dr. Stevenson, and I understood Dr. White too.

By the JUDGE ADVOCATE:

They serenaded Captain Wirz first?

VACCINATION.

Q. Did you at your headquarters or did Captain Wirz have anything to do with vaccination? If so, state what.

A. When I was first sent in the stockade there was a sergeant near my tent whose arm was very sore; he told me that it was caused by vaccination; but I was only a short time inside the stockade. When I was outside Dr. White gave an order, as the small-pox was increasing among the prisoners, that all men who came as new prisoners to Andersonville, who had not been vaccinated, should be vaccinated. One day a prisoner was brought out to Captain Wirz by one of the doctors, and the doctor reported to Captain Wirz that the prisoner refused to be vaccinated; but the order had been given by Dr. White and not by Captain Wirz, and Wirz told him that he had nothing to do with it; that it was by the order of Dr. White that men who came there, and had not been vaccinated, were to be vaccinated, and that he (Wirz) would not care a damn whether they died of small-pox or not.

I saw one man who had been vaccinated; this sergeant. I was only a short time in the stockade and I did not see any vaccination. When I came there there were only ten thousand men in the stockade; this man that I saw in the stockade had a sore arm from the effects of vaccination; the sore was about the size of a penny.

THE CHAIN-GANG.

I know something about the chain-gang; I remember there were two chain-gangs; the chain-gang was formed by order of General Winder; there was not any chain-gang before he came there or after he left; the men put in the chain-gang were sent to the provost marshal.

Q. By whose order?

A. I think by——

The JUDGE ADVOCATE. You need not state what you think.

Q. Do you know by whose order?

A. There was an order that paroled men who escaped——

The JUDGE ADVOCATE. That is not an answer to the question.

Q. If there was an order state what it was.

A. Those were paroled men; they were turned over to the provost marshal by order of General Winder.

Q. Do you know anything about any tent being connected with the chain-gang?

A. The chain-gang had what they call a fly—a large fly which they lay under; it was a tent open on both sides.

MEN BITTEN BY DOGS.

Q. Do you know anything about Frado or "Frenchy," who was brought in by the dogs? If you do, state what you know about it.

A. Frado was a Frenchman; he was a man who escaped seven times; he escaped once when I was inside the stockade; he went out by tunnelling; there were four of them together; I saw him brought back with a ball and chain on him; a short time afterwards he escaped again; I do not know in which way, but he had taken off his ball and chain; and so he escaped several times.

Q. What do you know about his being brought back by Captain Wirz?

A. He was brought back once when he had made his escape.

Q. What condition was he in?

A. Those men who should make the chain-gang were sent to the blacksmith's shop, and he went there.

Q. If you saw him come back, what condition was he in and what did they do with him?

A. He was brought back and sent to the stockade; his pants were torn up; Captain Wirz was very muddy; he had white pants on but they were muddy away up to his knees; they brought Frenchy inside the stockade, and the next day he was brought out again by one of the confederate sergeants to our office, and he said there it was because he had said to the sergeant inside the stockade that he wanted to try the dogs once more; Captain Wirz told him that he saw it was of no use to put him in irons, because he had slipped off the irons, and he sent him to the guard-house and kept him there; I saw only that his pants were torn up; I did not see that the dogs had hurt him; I did not hear him say anything himself on that subject; I saw him afterwards at Millen, and also at Annapolis, when we were exchanged; they kept him at the guard-house after he was taken out of the stockade until he was sent to Savannah; I think about a month—over a month.

Q. Whereabouts were the dogs kept; in what direction from your headquarters?

A. Turner kept them on the other side of the creek; we were on the right-hand side and he was on the left-hand side, north of the creek; one of the militia regiments was stationed there; I do not know which. Captain Wirz's house was on the other side of the depot; they had to cross the railroad if they wanted to go there. The dogs' quarters were on the line going to Captain Wirz's house.

Q. How far did you have to pass from there on the way to Captain Wirz's house?

A. Well, I know in which direction Captain Wirz's house was, where he was first, but I do not know the house at all; I have never been at his house at all. In going from headquarters to Captain Wirz's house a person could pass by the dog-kennel or he could take another way. I never saw, knew, or heard of anybody dying at Captain Wirz's headquarters who had been bitten by dogs.

THE ORDER TO FIRE THE ARTILLERY UPON THE PRISONERS.

Q. What do you know about prisoners attempting to break out?

A. In the month of June Captain Wirz sent an order down to the stockade to bring out all the federal sergeants who had charge of squads; they were brought out to our office; he told them that he heard they wanted to make an outbreak, and if so, he had orders from General Winder to commence firing into the stockade with grape and canister; that he knew all about their tunnelling and everything, but that he would avoid to shed blood as long as he could. The next morning the sergeants sent out and asked Captain Wirz and General Winder if they could not make a petition to send down to Washington. This was granted by General Winder, and Captain Wirz sent in some paper and they drew up a petition which was signed——

The JUDGE ADVOCATE objected to the witness testifying in regard to who signed the petition and what was in it unless the petition was produced.

Mr. BAKER stated that the defence would at the proper time produce the petition if permitted to do so.

Q. Go on and describe the circumstances. Do you know who signed it or what was in it?

A. I do not know what was in it. I did not read it.

Q. Tell all the circumstances.

A. A petition was signed and six men were selected by the camp to be exchanged by special exchange. On the 7th of August, in the morning, we got an order in our office—at this time Captain Wirz was sick and Lieutenant Davis was in command—to send on twenty-one men to Charleston for special exchange. Those twenty-one men were sent on and the six men with the petition were amongst them.

Q. Did you ever know of any other attempt to break out?

A. There was always some tunnelling going on, but when the tunnels were ready so that the men could go out there was a report made by men inside the stockade; they wrote letters or made reports to one of the quartermaster's or confederate sergeants.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

In the last part of July Captain Wirz was sickly; he went to the office yet, but sometimes for a day or two he would not come, and when he came he did only just what was necessary and he lay down. During the whole of the month of August, as far as I recollect, Lieutenant Davis was in command, up to the end of August or the first of September. Part of the month Captain Wirz was sick at home and part he was gone on furlough to Augusta, Georgia. In September he came back, but he was very sick; he could not go on horseback; there was an ambulance which brought him down and back, and when prisoners arrived the confederate sergeants or we clerks had to count them up in squads, and he had a chair where he sat outside the tents; and sometimes for three or four days he did not come at all. That was in September; I remember there was a special exchange of several hundred men; at the time we sent off these men Captain Wirz was not there at all. When he was so feeble he went home very early in the evening.

Q. What do you mean by evening?

A. Well, sometimes at three or four o'clock.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

Hir right arm was crippled; he always had a bandage round it and a blister. He could use it in writing, but I do not think I ever saw him using his right arm in another way. He had pain to go on horseback.

THE CHARGES OF MURDER AGAINST WIRZ.

I never saw, knew, or heard about Captain Wirz shooting, beating, or killing men in any way while I was there; I never saw, knew, or heard in any way of Captain Wirz carrying a whip while I was there. He never did.

Q. From your relations to Captain Wirz and his headquarters, do you think that if any such things as those had happened while you were there you would have been likely to have heard of it?

The JUDGE ADVOCATE objected to the question. He thought this style of examination had been indulged in long enough. The law requires witnesses to give all the facts to the court or jury, as the case may be, and no opinions what-

ever except they may be experts or professional men on scientific questions. This witness having told the court that he does not know of any of these particular things, must stop there. This was placing negative evidence on the same footing with positive evidence. It was equivalent to this witness contradicting a witness who testifies to a positive fact. This the law does not allow. It was placing too much reliance on an opinion. It was improper evidence, and he thought it desirable to make the point now and ask the ruling of the court on it.

Mr. BAKER said that if the judge advocate knew anything about the criminal law, he must know that the question was a legitimate one. Murder may be proven by circumstantial evidence, and where a person was asked if he saw a thing done, or knew it to be done, and the answer was in the negative, the question always follows, "were you in such a position that if it had been done you would have known of it?" Take the instance of a person being assaulted in a house, murdered in a room, and another party is sitting outside on the stoop; the question always asked is, "Did you see the party stab or shoot the person inside?" the answer being, "I did not," then comes the question, "Were you in such a position that if he had been assaulted or shot you would have heard his cry or the sound of the pistol?" A great deal was said about "negative testimony." He would like the judge advocate to tell him how any person could be defended for anything, even in a civil matter, unless it was by what he called "negative" testimony. The prosecution proves that a thing was done, that a note was made, for instance. Was there any other evidence in the world to prove that it was not done except by "negative" evidence. When you supply negative testimony sufficient you then make it positive testimony. If a witness was in such a position that he must have heard a thing if it happened and did not hear it, that fact, that he did not hear it, makes it positive testimony. It was absurd to argue this question further. The one question followed the other as legitimately as one foot follows the other in walking.

After deliberation the objection was sustained.

I never saw Captain Wirz have a sorrel or a roan horse, nor was there ever such a one connected with his headquarters.

By the JUDGE ADVOCATE:

A gray horse was kept there. There was never any other.

THE STOCKS.

Q. Did you ever know anything about the stocks being in the interior of the prison?

A. No sir; the stocks were outside; I have been in the stocks myself.

TREATMENT OF THE SICK.

I saw at different times men arrive at Andersonville. Sometimes they were stripped of their clothing; sometimes they had all their clothing.

Q. Do you mean they had been stripped?

A. Sometimes they had only what they had on; but sometimes they had blankets and knapsacks with them.

Q. What was their condition as to health?

A. Sometimes there were sick men amongst them. When they reported sick the doctor who was officer of the day had to see whether they were sick or not, and if they were, they were sent to the hospital. In the month of July, an extra train came in with 150 men who were badly wounded; and Captain Wirz would not take them. General Winder gave the order, and I was sent over to the depot to take the names of these 150 men. They were sent to the hospital. Most of them were very severely wounded, and several had had their limbs taken off. One lieutenant was amongst them, and he was sent the next day to the officers' prison at Macon.

Cross-examined by the JUDGE ADVOCATE:

I was in the service of the United States twice. The first time I entered it was in September, 1862. I entered the 52d New York volunteers. I was wounded on the 13th of December, 1862, at the battle of Fredericksburg; was brought to this city to the Campbell hospital on Seventh street. I was discharged there in March. A year afterwards, in February, 1864, the 15th of February, I enlisted in the 16th Connecticut. I live in Connecticut. I have lived there only from the time when I was discharged from the 52d New York, up to the time when I enlisted in the 16th Connecticut. I came from the old country in 1862. I entered the service two or three weeks after I arrived. I came from Germany. I could not speak English when I arrived.

Q. How did you come to enter the army?

A. I went into a German regiment, the 52d New York I got $25, United States bounty. I don't recollect what bounty I got from the State. No runner went with me to the regiment. I went to the Sigel committee, in the Bowery.

Q. How did you happen to go there?

A. It was announced in the German papers that General Sigel was getting up a German army corps, and I wanted to join that. It was in the Bowery; when I went over from Castle Garden it was on the left-hand side.

I don't recollect what bounty I got when I first entered the service besides the $25 United States bounty. I got the balance of the bounty at the time I enlisted. Maybe it was about $100 that I got, no more than that; that was in 1862. It was partly State bounty, I think, and partly from the Sigel committee. It was paid to me at the committee rooms, in the Bowery. When I enlisted in the 16th Connecticut I got $300 State bounty and $100 county bounty, and $60 United States bounty, with a promise of $240 more. There was no runner at the time I entered the 16th Connecticut.

Q. Who took you to the rendezvous?

A. A friend went with me from Collinsville to Hartford; but I got everything; he did not get a cent.

Q. What induced him to go with you?

A. He was a friend.

I paid his expenses. We went together to the mustering officer. He was not a bounty broker. He worked in the same factory with me, and I boarded with him. It was necessary for him to go with me because I had not paid my board for several weeks.

Q. Then he paid your way instead of your paying his?

A. No, sir.

Q. If you had not money to pay your board, how came you to pay his way as well as your own?

A. I got $40 for the last month I had worked in the factory. With that money we went down. I don't recollect how much money I owed for board. Besides owing for the board, I had some other debts; and I could not make anything in that factory. I went to Hartford to get money to pay my debts. I entered the service that I might get this bounty so as to pay my debts.

Q. How long did you serve in the first regiment you entered?

A. I enlisted in September, 1862—the 6th I think, but I am not sure; and I was wounded on the 13th of December, 1862, at Fredericksburg. I was discharged from the service; the first time I was discharged after being three months in the hospital here. I was discharged from a hospital in this city. I first entered the service under my own name—Augustus Moesner. I appear on the rolls of the 52d New York as having served six months. I re-enlisted in February, 1864. Here is my discharge, (producing a paper.) This is my discharge from my last regiment.

(By the COURT.) Colonel Paul Franck commanded the 52d New York regiment. I was discharged from the Campbell hospital on Seventh street.

Q. What were the circumstances of your capture?

A. Nine companies of my regiment—the whole brigade—were captured at Plymouth, North Carolina.

Q. Did you surrender yourself, or were you captured?

A. We were captured. We were in small force and we fell back in the morning. We were not all Germans; the 16th Connecticut was not a German regiment. I was captured with the whole company. I did not know much about the English language when I was taken to Andersonville last year. The first time I wrote English was in the Campbell hospital; I sometimes made out for the wardmaster the list of the men in the ward.

Q. Then the first time that you ever wrote English was in the Campbell hospital?

A. I learned English at school; but when I came to this country, I did not recollect much about it. I could not write English when I first entered the service. I could not write English up to the time when I entered the Campbell hospital; I could make some copies; but I could not write it myself. I was brought into the Campbell hospital on the 27th of December, 1862, and, if I am not mistaken, I was discharged the 16th of March, 1863. I lost my discharge when I was captured. I was at that hospital from December till March; I left about the middle of March. I did not do writing in English very long while I was in that hospital; not much while I was there.

Q. After you left the Campbell hospital, were you in a position to write English, or did you enter the factory as a laborer?

A. I entered the factory. I did not do any writing there. After I joined the 16th Connecticut, I did not do any writing in English. Up to the time when I was taken out of the stockade at Andersonville, I did no writing in English, except the little I did in the Campbell hospital.

Q. How did it happen that you were taken to Captain Wirz's headquarters as a clerk, when you could not write the English language?

A. I wrote a letter to him. I wrote it in German.

Q. What did you tell him in that letter?

A. I took a small piece of paper out of my diary, and wrote in my letter that I had been a clerk in Germany; that I was acquainted with the French, German, and Italian languages, and I recommended myself as a clerk. None of the confederate officers under Captain Wirz were Italians or Germans or Frenchmen. I do not know what he wanted with my services as clerk as a Frenchman, or Italian, or German. I made no other promise in that letter besides that I would serve him as an interpreter. I stated in that letter that I knew four different languages. I do not think I told him that I could write English. It would not have been true if I had told him so.

Q. Then he took you out of the stockade to render him service in a particular in which he did not need you?

A. A man who has been a clerk can always make a clerk. A man who has been a German clerk can make a good English clerk to make copies. I understood Captain Wirz to be a German; I told him in that letter that I was from Germany. I did not appeal to him as a foreigner to render me some assistance in that way.

Q. Did you need assistance of that kind?

A. I was just as well off as all the other prisoners; those outside were better off. I was better off outside than inside. That was the reason that I sought to be taken out.

Q. Would you not, and did you not, do all in your power to please Captain Wirz, so that you might be kept outside?

A. I did my duty. I had no duty to the rebel government.

Q. What was your duty; did you not feel it your duty to do whatever he told you to do?

A. If he had asked me to do things for the confederate government, I would have refused him.

Q. How much more sympathy had you with the United States government than with the rebel government? You were a paid soldier.

A. I had given my oath to the United States.

Q. You took the oath when you got the bounty of which you spoke?

A. I was a sworn soldier of the United States army. As far as I could, consistently with my oath, I would have avoided giving him offence so as to stay outside, rather than go into that horrible stockade. So far as I could consistently with my oath I would serve him. I served him as far as my oath would allow me.

Q. What was your duty at headquarters?

A. At first I only made copies, because I was not well acquainted with the English language. I made copies two or three months. At first I made copies of the roll-books of prisoners who came in—the newly arrived prisoners. I continued on that duty nearly all the time. When I had nothing else to do I would take one of those rolls; and whenever many prisoners came in and I had the time, I went back to those roll-books. I did not continue to do that duty on the roll-books all the time while I was a clerk at headquarters; only when I had nothing else to do. The latter part of the time I kept the hospital books. I made out lists for confederate sergeants when they went in for roll-call—lists of squads with which to call the roll. That was still the roll duty; every morning we had to make them. In the afternoons we had to fill up the squads, and I helped Mr. Martin, our chief clerk, to fill up these squads—writing out the names of the men who had died in these squads; that was still roll duty. I brought, also, requisitions at times down to the commissary, and I brought reports. I did not copy the requisitions. I never copied requisitions. I went down to the cook-house and took Quartermaster Duncan the list for the rations. I sometimes made them out myself. I generally only copied them; but sometimes made them. I first learned it from Mr. Martin, our chief clerk. He showed me how to do it, and so I made them out. But the requisitions I did not make out and did not copy them; I brought them down. It was more my duty to deliver them as an orderly than to examine them.

Q. Then how did you know what was in them?

A. I looked at them; I was employed at the same desk as Mr. Martin. They were always sent open; never in an envelope. I did not always look at them, but frequently.

Q. How carefully did you examine them?

A. I looked them over, because I wanted to know how many prisoners we had in the stockade. It was not my business, but I looked at them.

Q. You merely looked at them to gratify your curiosity in that particular and for nothing else?

A. No, sir.

Q. Can you state what was the language used in these requisitions?

A. It stated what number of prisoners were there, but the rations were not given; only the prisoners. It was nearly the same as the daily report that went to General Winder.

Q. Was it not a daily report, and not a requisition or return for the commissary?

A. No, sir; when it was made out I would take it down to the commissary directly; never anywhere else. I am sure that I took it from Captain Wirz's office to the commissary directly; at one time Captain or Major Armstrong, and at another time Major Proctor, was the commissary as far as I recollect.

Q. Will you swear positively that in no instance you took a requisition from

Captain Wirz's office for provisions for prisoners in the stockade anywhere except directly to the commissary?

A. I took them directly to the commissary always; after they were delivered there I do not know what became of them. Before I took them there they were not taken anywhere else at all.

Q. Will you swear positively that in no instance the number of rations was incorporated in the requisition?

A. I stated that I very frequently took these returns down, but not every day. Sometimes I would take these requisitions to Major Proctor three or four times a week; sometimes every day of the week, and sometimes once a week. I looked at them nearly every time I took them down, only the number of prisoners was stated, and the number of rations was left blank.

Q. You say that the requisitions sent to the cook-house stated the number of men and the rations?

A. No, sir; it would say "1st squad, 1st, 2d, 3d detachment," and it would state how many rations, so many rations for so many men. All the requisitions that went to Duncan for cooked provisions were made out complete for the squad; I mean by a squad a detachment of 90. All the requisitions that went to the cook-house were complete, stating the number of prisoners and the number of rations.

Q. If Captain Wirz sent part of the requisitions filled out complete, why did he not send the rest complete?

A. This was the issue that Duncan had to give out for the day; Duncan was the quartermaster; it stated how many rations each squad had to get. The requisitions sent to Major Proctor never stated anything about the rations.

Q. Did you not know that that was merely a memorandum sent to advise him of the number of prisoners?

A. It was a return sent by Captain Wirz.

Q. A return to Major Proctor of the number of prisoners in the squad?

A. It was printed and sent by Captain Wirz, and the other was not printed, but written on a piece of paper. I cannot state whether it was a return to Major Proctor of the number of prisoners or a regular requisition; I cannot swear positively on that point. I do not recollect the form of a requisition just now; but when I would see it amongst other papers I could point it out. In these papers the only points upon which I sought to advise myself was the number of prisoners. But whether it was a requisition or a return I do not know.

Q. From what papers did you make these copies that you worked upon?

A. When I copied the roll-book I took them from the names which were taken outside from the prisoners when they came. The names were taken upon a piece of paper and I copied them into a book.

Q. You were told what to copy and you sat down and spelled it out

A. Yes, sir; I copied it. I copied it just as it was handed me.

Q. You did not know the English language well enough to do it in any other way?

A. Yes, sir; I knew it to read; I did not know it to write; I had to spell it out. I have said that those on duty outside got double rations; that was an inducement to me to get out. I sold one of my rations because with the money we could buy vegetables. I did not draw the rations at all; we got money for it when the month was over, and Captain Wirz drew the rations himself; I do not know what he did with them; I do not know whether he took them from the commissary or the quartermaster; I do not know whether he drew any other rations besides these extra rations. I received while I was there eighty cents, confederate money, per day; that was obtained from the sale of those extra rations which I received while I was outside.

Q. How were the other rations served or issued to you?

A. At first when I was outside of the stockade I went down every day and got a piece of pork and a piece of bread.

Q. Was it regularly issued, or did you go in and help yourself?

A. I went in and one of the cooks cut me a piece. It was not weighed. He gave it to me; I took what he gave me; I could not say that he gave me what I wanted to eat; he gave me what he had; he did not give me all that I wanted; he gave me a good piece of bacon and a good piece of bread; I got all that I needed of that kind of provisions; that was when I first went out; after that time we got them cooked; I had a mess; that was when Lieutenant Davis was in command we got them cooked; Guscetti was the cook.

Q. The man who testified yesterday?

A. He was cook for a short time. There was a cavalry man who was the first cook; he was cook from the middle of August until the 7th of September; he was a federal—one of our prisoners; he was out on parole; he was detailed as a cook at the headquarters for the clerks; I paid him nothing; he got one ration for each clerk each day and one ration for himself; he got the money for the extra ration. Guscetti succeeded him as cook to our mess for a short time; Guscetti was our cook not over a week, I think; perhaps a week or two. We did not pay Guscetti anything; he was detailed as a clerk, but he was not much about there as a clerk; he went around pretty much as he pleased; he got the same rations that I did; he got the regular ration and a commutation for the extra ration; he had the same privilege as the other clerks. Another Italian succeeded him as cook, but I do not know his name; our mess was not made up of Italians; there were Americans, English, Irish, Germans, and Italians; there was one American by the name of Deely.

(By the COURT.) They were all federal prisoners.

I do not swear that Captain Wirz did not make out the requisitions for the hospital, and never in any way signed or approved a requisition for the hospital. I am positive of that, and I think I know all about it; I am as positive on that point as anything else to which I have testified. Captain Wirz never exercised any control over the hospital with regard to rations.

STOPPAGE OF RATIONS.

Q. You have said that you did not know about rations being stopped for the whole camp; did you not know that they were stopped on the 4th of July?

A. I saw that it was testified to here, but I do not recollect anything about it. If rations had been stopped on the 4th of July I think I should probably have known it; rations were not stopped on the 4th of July to my knowledge; I do not recollect it.

Q. Are your knowledge and recollection on that point as clear as on any other?

A. A great many things happened there during that time.

Q. Do you feel as certain that there were rations issued on the 4th of July as you do that certain other things were done about which you are positive?

A. There were so many facts occurring that one might escape my memory. I do not think a great many facts could escape my memory; I do not think that a great many things may have escaped my memory; I think that I know about everything that occurred while I was there.

Q. You think you know about all that transpired about the headquarters or office of Captain Wirz?

A. I think I should know all that happened at our office.

Q. Why do you say "our office"?

A. Because it was a common expression; we were sleeping there and were there the whole day.

Q. Do you say that Captain Wirz never interfered with the quantity or quality of the rations issued to prisoners?

A. Yes, sir; he did interfere. He stopped the rations. He did not stop them very frequently. He stopped them for separate squads. By squads I mean divisions of nineties. When a man was reported missing on roll-call he would stop the rations. He would stop them for the 90, if one man was missing, until the sergeant of the squad could give an answer for the man—until he could report him in some way. The men of those nineties were sometimes absent at roll-call. I know that they were very often absent. Sometimes, I recollect, while I was inside, men were reported sick in their tents, and the confederate sergeant went with the federal sergeant to the tents to see them, and when he found them it was all right. Whenever a soldier was absent from a squad of 90, the rations were stopped until there was an answer for him, and that was by order of Captain Wirz. He had the power to stop the rations. He had the power to direct that rations should be issued to the men; and he had the power to stop them, and he exercised the power both ways. Lieutenant Davis, at Captain Wirz's headquarters, had the same authority. There was not any one else. I know of nobody else except General Winder.

Q. Yet you stated to this court that the clerks had the power?

A. Not in this way; we had the power when Captain Wirz was not there.

Q. He left it in the hands of the clerks?

A. When the report was made that the man was found, we could send word down to Duncan at the cook-house, so that the rations might be issued to the squad. The control of that matter was sometimes left in the hands of the clerks in that way. When we clerks exercised this power we could give notice to Duncan either verbally or in writing. We wrote only on a piece of paper that of those squads the men had been found, and that the rations should be issued. I never did it; it was Martin's duty. I have seen Martin do it. I have seen him exercise that power. He did it when the report was made in the morning. I never saw him exercise that power very often. I knew how Martin would sign the paper; he would sign it "James Martin, by order of Captain Wirz;" and that was the only signature attached to it. He was not in the nature of a staff officer to Captain Wirz; he was a prisoner. This paper was in relation to relieving the ninety from the stoppage of rations. When Captain Wirz was away, if the sergeant reported a man absent, Martin did not issue an order to stop the rations; that was the exclusive business of Captain Wirz.

Q. He did not give that authority to any of you?

A. I know that sometimes, when men were reported missing, Martin just told the confederate sergeant not to say anything about it, but to see to finding the men, so that the squad should not be deprived of rations.

THE SUPPLIES FROM THE NORTH.

Thirty or forty boxes were in that first lot which I saw, while I was in the stockade. I don't know whether that was the same lot Guscetti told about; I don't recollect what he said. The first boxes we got were sent from the north by friends of the prisoners in the month of May. They came inside. The boxes were of different sizes. Some were so long, (about a yard) and others were smaller.

Q. Then they were from a foot square to two or three feet square? Those are the only boxes you know to have gone into the prison with provisions?

A. Yes, sir. I saw them when they came inside the stockade. I saw them all distributed. The boxes had been opened before and examined. The second time that I saw boxes arrive was in August. Then we got clothing sent by our government—blue pants, shoes, caps and blouses. They were distributed to those on duty outside. In addition to double rations, we also got the clothing that came. That clothing was not distributed to those inside the prison, and the reason stated was that the quantity was so small that there would be too

much fighting about it. They would fight about it because every one would want a piece of that clothing, and there were too few of those articles.

Q. They would fight over it because they were destitute?

A. There were many men in there who needed clothing. That was the only reason assigned for not sending that clothing into the stockade, and the clothing was distributed to those who needed it outside. I got some of that clothing. I got blue pants, and I sold them and bought a blanket, because I had none, and I had been lying on the ground with nothing to cover me. I sold that pair of pants for five dollars. I sold them to a rebel sergeant. I have seen rebel sergeants wearing those federal clothes; I saw them wearing blue pants and overcoats. I don't know where they always got them. I don't know anything about it.

Q. Did you in any instance see a rebel sergeant making purchases of federal clothing except when you sold it?

A. Yes, sir; I saw it when I was inside the stockade—they bought them inside. I did not see anything of that kind while I was outside; during the short time I was inside I saw it done four or five times. They would sell clothing to those rebels to get money. I do not know for what they used the money.

Q. Have you seen men inside the stockade strip their own backs and sell their clothing to the rebels?

A. I saw them selling their own clothing. I could not say that they were selling clothing which they were wearing; they had some clothing left; they did not sell the last clothing that they had. That was in May. I did not see this selling of clothing done after that time, because I was outside. I do not pretend to know where the rebel sergeants and the rebel soldiers got the articles of federal uniform which they wore, except in those cases where I sold federal clothing. I only sold such articles to the rebels one time, when I sold those blue pants. I swear that I never sold anything else than that pair of pants. I never sold any vegetables. I sold different things, but not clothing. I did not sell to confederate sergeants but to our own prisoners; I sold my watch for twenty dollars in greenbacks, and also a gold locket for thirty-five dollars. When I went to the front I had the locket bought at Newburn, South Carolina. I bought a watch in the cars between Hartford and New Haven, and afterwards between Philadelphia and Baltimore I traded with another recruit, who was going to the front. I gave him some money extra and I bought this watch; it cost me about forty-five dollars. I only sold this locket and this watch. Provisions I never sold; I never sold anything of that kind. I bought a blanket but I did not sell any. I bought that blanket from Martin, the chief clerk. He got it from a prisoner who was an orderly in Dr. White's office. I do not know where that orderly got it. It may be that he got that blanket in the hospital; I don't know. It was not a new blanket; it had a hole in it. I think it was a year old.

Q. Have you stated all the purchases and sales which you made while there, all the different things which you bought and sold?

A. We bought sometimes some vegetables with the money we got from Captain Wirz for our second ration. In the store near the depot I bought some tobacco and some stockings. I never bought anything that I sold again. A man of my regiment was taken out on parole for two weeks to the cook-house, or the bakery. His name was Spring. After being out two weeks he came to Captain Wirz's office and asked me if I had made some money since I had been outside. I told him that I could not do so, that I had been obliged to sell my watch. He told me he had made some money; sixty dollars in greenbacks in two weeks in buying and selling goods.

By Counsel:

I think Spring was one of the government witnesses. I never saw Captain Wirz wearing any of those goods. I did not swear positively that I never saw

him wearing blue pants. I never saw him wear them or any other article of federal uniform.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

By COUNSEL:

I never saw prisoners searched at headquarters.

By the JUDGE ADVOCATE:

I swear positively that I never saw any prisoner brought up before Captain Wirz's headquarters and searched during all the time that I was there; and I am as sure of that as of anything that I have sworn, and my knowledge in that particular is as full as it is on anything else.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARD THE PRISONERS.

Q. In reference to those little boys; were not some of them used as servants at the house there?

A. We had one at our headquarters. He carried water, and sometimes he was sent off with messages. I don't know whether Dr. White had one of those boys at his house. I do not know whether any of them were used in that way by officers there. The little boy that we had at our office was a short time at Captain Wirz's house—perhaps a week or two.

AUTHORITY OF WIRZ OVER THE HOSPITAL.

Q. You say that these boys were sent to get blackberries and to labor at the hospital, and were ordered there by Captain Wirz?

A. Yes, sir; they were sent to the hospital.

Q. And yet, you say that Captain Wirz had nothing to do with the hospital?

A. I said that Captain Wirz requested Dr. White to take these boys. It was a request. He took them out of the stockade and gave them over to Dr. White. It was by his order that they were taken out, and by permission of Dr. White they were taken to the hospital. Captain Wirz told Dr. White to send them for blackberries; it was no order—it was a request. Captain Wirz could take them out of the hospital if they did not behave themselves, because he had a right to take all the paroled prisoners back to the stockade. He had a right to interfere with the hospital that far, to take men out of the hospital and to punish them or to return them to the stockade. That power was exercised several times. It was exercised. also, once, I recollect by Lieutenant Davis. When complaints were made about nurses—when nurses were running in the country without passes or without permission, and were brought back—Captain Wirz sent them to the stockade.

Q. Do you know the causes which always led him to send them back to the stockade?

A. Well, sir, it might have happened while I was just out on a message.

Q. Do you pretend to know all about what Captain Wirz did while you were there?

A. As long as I was there and we were together I think I should know. I know every order which was written. I pretend to know all the orders of any kind that were issued. I know for what purposes they were issued. I know whether they were executed or not, and I know the reasons which led to the orders. I think I should know all about it; I know with regard to everything that occurred there.

THE CHAIN-GANG.

I stated that when men were in the chain-gang they were put under a fly. I saw them under it; I have seen them out from under it; I saw them in the morning going down to the cook-house to get their rations. I do not recollect that I saw them out from under that fly at any other times.

Q. Then you think that in no other case were the chain-gang out in the sun, except when they were going to get their rations?

A. I never saw them outside except just when it was necessary. The fly was by the guard-house near the stockade. So far as I have stated, I know as much about the chain-gang as I do about issuing of rations or anything else. I pretend to know all about the chain-gang so far as I state. The orders issued on the subject came from General Winder. I know all about the chain-gang. General Winder's headquarters were just about a quarter of a mile, I think, from Captain Wirz's. I would go to General Winder's headquarters very often. Whenever I brought these returns down to the commissary, I also brought down the daily report to General Winder. I don't recollect if that was the only duty I had to perform at his headquarters. I do not pretend to know as much about General Winder's headquarters as I do about Captain Wirz's. When I went to General Winder's headquarters I did not stay there; I only went on a message and then came back. I know all about the orders issued in regard to the chain-gang; I know that they always issued from General Winder's headquarters, because Captain Wirz told me. All that I know about it is what Captain Wirz told me, and he told me that the orders came from General Winder. I cannot swear that I ever saw a written order on that subject. I cannot swear that I ever heard General Winder give a verbal order to Captain Wirz on that subject. I don't know anything about it except what Captain Wirz told me.

Q. Did Captain Wirz always tell you when he was executing an order of this kind that it came from General Winder?

A. He was nearly always talking about it. He did not report to me when General Winder sent an order of that kind. He did not always tell me from whom the order came.

Q. Then there were men put in the chain-gang when you did not know for what reason, or on whose order?

A. I know so far as Captain Wirz told me But he did not always tell me. I do not know about those cases in which he did not tell me; I do not know anything about those.

Q. Did not Captain Wirz always direct the officer to put the men in the chain-gang?

A. The prisoners were sent to the blacksmith shop. Captain Wirz sent them there.

Q. He sent them there to be ironed?

A. I did not hear him give these orders. He went over to General Winder, and after he came back he said these men were to be put in the chain-gang. He very frequently said that General Winder had given him the order—not always. The men could be put in the stocks by Captain Wirz's order.

Q. Do you know any reason why he could not also order them put in the chain-gang?

A. They were mostly paroled prisoners; at least the first who were put in the chain-gang were paroled prisoners. Captain Wirz had the power to inflict other punishment besides putting men in the stocks. He had the power to put the ball and chain on them. Nothing else. I never saw a man bucked and gagged while I was at Andersonville. I don't know whether he could issue the order on that subject. I don't know how far his power went. My observation in reference to bucking and gagging has been just as good as in reference to anything else. I think my knowledge and opinion on that point are just as good as on anything else. I know of Captain Wirz ordering men to be whipped; I have heard him give the order to whip a man. That is another thing he had power to do; he gave the order. No men were tied up by the thumbs; I say positively that I never knew a man to be tied up by the thumbs while I was there. I am as positive in reference to that as anything else. I think that no man was tied up by the thumbs there. Captain Wirz had the power and exer-

cised the power to direct that prisoners be caught by the hounds. He had that power. He put them in the stocks. I don't recollect any other punishments than what I have mentioned. Although Captain Wirz had power to inflict all these other punishments, he had no power to put men in the chain-gang, so far as I know, and I know about that just as I know about everything else.

Q. You say that when men were chained, if they became sick, Captain Wirz would always order them out of the chains?

A. First the doctor went there and saw whether they were sick or not. If a man reported sick the doctor had to go and look at him to see whether he was or not. If he was sick he was sent to the hospital. I never saw Captain Wirz put a man in the chains when he was sick. I say that I never saw him put a man in the chains or order a man put in when he was sick. And I know as much about that as I do about anything else. When men were reported and found sick by the doctor he took them out always. I am as certain of that as of anything else. I know all about that. I think the chain-gang was organized in July, in the first part of July. I cannot swear that before that time there was no chain-gang; I do not know exactly the time; it was the latter part of June or the first part of July when the chain-gang was organized. I swear positively that before the last day of June the chain-gang did not exist, so far as I know. I have as much knowledge in reference to that as anything else. I think the chain-gang was done away with about the end of July. It existed one month. There was no chain-gang after July; I cannot recollect to have seen it afterward.

Q. That you are positive about?

A. I never saw it.

Q. Do you know anything about it, then?

A. No, sir.

The chain-gang commenced about the first of July and ended the latter part of July; of that I am as positive as of anything else. I did not hear of a man's dying in the chain-gang with the chain on them; I never heard of it. I swear positively that I never heard of a man's dying in the stocks.

By COUNSEL:

Q. When you spoke of the chain-gang, did you refer to a particular chain-gang?

A. I recollect only one chain-gang.

VACCINATION.

By the JUDGE ADVOCATE:

I say that at one time a man who refused to be vaccinated was brought to Captain Wirz.

Q. Repeat the reply which Captain Wirz made.

A. The man refused to be vaccinated by the doctor, and Captain Wirz told him that he had nothing to do with this matter; that it was an order of the chief surgeon; that he would not care a damn if they would die of small-pox if they would not be vaccinated, but that it was an order of Chief Surgeon White, and that it had to be done. His manner was violent at the time. The surgeon took the man to Captain Wirz. The man refused to be vaccinated, and the surgeon brought him over to Captain Wirz—to tell Captain Wirz that the man refused; to ask Captain Wirz what should be done in the case.

Q. If the surgeon had everything to do with the case and Captain Wirz nothing, why did the surgeon bring the man to Captain Wirz?

A. I don't know. It may be that he brought him there to have him punished; I don't know. Nothing of that kind was said; he only said that the man refused to be vaccinated, and Captain Wirz cursed the man in the manner he

always was talking. The vaccination was not by his order; it was Surgeon White who wanted all the men to be vaccinated.

Q. Do you know anything about Surgeon White's orders on that subject?

A. I heard Dr. White say to Captain Wirz——

Q. Do you know anything about the orders except what you heard Dr. White say to Captain Wirz? Did you ever hear any order?

A. Yes, sir; Captain Wirz gave the order that men who lately came into the stockade should stay in line and the doctors should examine them to see whether they were vaccinated or not.

Q. Captain Wirz and not Dr. White gave the order on that subject?

A. He gave it, on the request of Dr. White, that the surgeons should examine the men who came in lately to see if they were vaccinated or not, and to take out for vaccination those who had not been vaccinated.

That began when the camp began to be very much crowded—in June or July.

Q. Then always after that, when prisoners came, they were examined by the surgeons to see whether they were vaccinated or not?

A. It should be done, but the order was not carried out very strictly. I do not know how often it was carried out; I was not inside the stockade. I do not know a single instance where the surgeons were sent for by Captain Wirz to come and examine prisoners who had just been brought; they were examined in the stockade or at the south gate.

Q. How do you know that? Did you go there?

A. I saw it from Captain Wirz's office. After they left our headquarters I did not watch them, but I saw them. I would happen to see them once in a while. I do not pretend to know whether that was always done. I heard that the order was not very well carried out from the confederate sergeants. I did not in any single instance see vaccination performed. I do not know anything about it.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

I say Captain Wirz's right arm was crippled. In a battle in Virginia he was wounded. I do not know that he was hurt by being thrown from a stage-coach. He never told me of that. He told me he was wounded. He told me once his whole story, and he said his arm was crippled by a piece of shell somewhere in Virginia; I do not know where. In 1861 or 1862. I have seen Captain Wirz on horseback very often. He mounted the horse on the right side. He held the reins in his left hand. I never recollect seeing him hold a pistol; he had a pistol generally in a belt around his waist. I do not swear positively that I never saw a pistol in his hand, I am as sure of that as of everything else. I have seen Captain Wirz write. He wrote with his right hand. He ate with his right hand. I don't recollect seeing him do anything else with his right hand. It did not attract my attention especially what hand he used.

THE CHARGES OF MURDER AGAINST WIRZ.

I never heard of Captain Wirz shooting, kicking, or beating a federal prisoner while I was at Andersonville. I swear positively to that; I saw him pushing prisoners into the ranks, but not that they could be hurt. He would take them by the arm and push them into the ranks and say, "God damn it! couldn't you stay in the ranks where you were put?" He would not push them in violently; a gentle push. He was violent in these moments, cursing and swearing, as he always was with us, but he seemed harder than he was. I never saw him take any one by the throat, but by the shoulder or arm. Not with both hands; with one hand. I don't know which hand. I have seen him often go up the line of prisoners; I have seen him counting them, and I never saw him with his pistol in his hand on any of these occasions; it was his custom; he had his pistol in

his belt. I saw him in the stockade while I was there; I saw him once at the south gate and once on horseback with Lieutenant Colonel Persons, and I saw him once in the stockade while I was outside. I saw him riding among the prisoners only once after I was taken out. On none of those occasions I never saw him carry a pistol except always in his belt. I swear positively that I never heard of Captain Wirz kicking or shooting a prisoner, nor in any way maltreating him except as I have stated.

MEN BITTEN BY THE DOGS.

Q. You swear positively that you never heard of a man's being torn by the hounds?

A. I saw that Frenchy had his pants torn. That is the only instance of hounds tearing the soldiers' clothes or flesh that I ever heard of, and I know as much about all these things as about anything else.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

During the month of August Captain Wirz was so sick that he did not come to the office. He was sick previously and sick afterwards while he was still in command. In the first days of August he was on duty yet, perhaps up to the 4th or 5th day of August, and about the last day, the 30th or 31st, he came back.

Q. Between the 4th and 30th of August you swear positively that Captain Wirz did no official act?

A. He was not on duty. He was confined to his house and was partly on furlough. I heard he was on furlough from Lieutenant Davis; I did not see him going off, nor see him returning. I know he was confined to his bed by hearing it; I did not see him.

Q. Who sent for you to come here?

A. The sergeant-major of my regiment wrote here to you (the judge advocate) stating that I would be a witness in Captain Wirz's trial, and I got my subpœna. Guscetti did not bring me here.

By the COURT:

The name of the sergeant-major is Robert H. Kellogg, of the 16th Connecticut.

OCTOBER 4, 1865.

GEORGE W. FECHTNER, for the defence:

I was in the Union army in September, 1862; I was taken prisoner on the 15th of September, 1862, by Colonel Jesse, a confederate colonel; I was held as a spy, having been identified by one of his men as such; I was taken to Knoxville, East Tennessee, and from there to Grenada, Mississippi; I was held in that country nine months for trial; finally I made my escape but was recaptured by the Mississippi home guard, and taken to Columbus, Mississippi, and from there I was sent to Richmond, under the name of Charles W. Ross; I gave another name for the purpose of saving my life; I had been on trial as a spy; I arrived at Andersonville the first of June, 1864; none of my comrades who were captured with me were punished as spies, except one who was hung.

CONDITION OF THE PRISONERS IN THE STOCKADE.

When I arrived at Andersonville I was put in the stockade.

Q. What did you do in the stockade?

A. I was prison sutler part of the time, and I was chief of regulators and magistrate for the southwest part of the camp. My duty as magistrate was to punish men for stealing; I punished some by flogging, some by setting them

to work, and some by sentencing them to be washed. They were so very dirty that they had to be washed once in a while, and it was a punishment to them.

The JUDGE ADVOCATE. I must object to this course of testimony as immaterial and irrelevant.

Mr. BAKER. You will find that this witness will give a new complexion to matters inside the stockade; that instead of all the horrors we have heard of, he will show that it was a little more comfortable and agreeable.

The JUDGE ADVOCATE. Very well, I will not object to that.

Q. State what you did as a magistrate.

A. In the southwest part of the camp all the men guilty of stealing were brought before me for trial; they were prosecuted by the men from whom they had stolen; they would steal tin cups, clothing, food and anything they could get their hands on. The police there were organized for the defence of the camp; they were composed of companies, thirty men to a company. (To the Court.) They were organized for the regulation and defence of the men in the camp; the system of robbing men in the streets gave rise to the regulators; this system of robbing was carried on by a number of men who had banded themselves together for the purpose of taking by force that which was not their own, money, watches, clothing, and anything they took a fancy to. The police were first organized by a number of men, who were prominent in the camp, going round and secretly taking the names of able-bodied men who were willing to take part in putting down the robbers. After they were sufficiently strong it was done openly; the raiders then tried to put down the regulators; they styled themselves "the regulators." This led to an outbreak; assistance was called for from Captain Wirz, which was furnished immediately; and the raiders were taken out; eleven of them were tried, six were hung, and five sentenced to wear a ball and chain. There were sixteen companies of police; they were organized by the chief of police; a man named Keese was the first chief; he was appointed by the regulators themselves; the regulators elected their own captains, and these captains elected the chief; complaints were made daily concerning robberies; I would dispose of them to the best of my ability. For stealing a tin cup, if the man was healthy, he was flogged; if he was not healthy he was made to sit in a tent all day long, or he was taken down to the creek and washed; the men of the regulators executed my orders—the police.

The tunnelling was always carried on while I was there, sometimes successfully, very often not successfully. A number of men would band themselves together, either to work in the tunnel or to furnish funds to buy candles and tools to work with. They would buy the candles through the rebel sutler; they would dig in nearly all parts of the camp, that is, in parts as close to the stockade as possible; in many instances a very deep well was dug; they dug them from 50 to 100 feet deep; these wells were dug in the day time; at night the men would be lowered down eight or ten feet, or just as far down as they wanted, and they would commence tunnelling, filling up the well with the dirt in the night time and taking it out in the day; they would do that to prevent suspicion. The rebel sergeants when they would notice fresh dirt would track it up to see where it came from; sometimes they dug wells for water; sometimes they merely dug them to fill up again with the dirt which they took out of the tunnel. The men who were well off in the camp were generally the principal men in working tunnels or digging wells; if they did not wish to work themselves they would hire substitutes to work; substitutes could be got for a dollar in greenbacks a night; they would work by reliefs; some tunnels had three and some six reliefs during the night.

There were quite a number of storekeepers of different kinds there; I would be safe in saying there were a thousand of different kinds in the stockade; they would keep their stores in their tents; they dug holes in the ground to put them in; they got the stores from the post adjutant—the rebel sutler; they got the

largest part of them from him; they got a good many stores through the hospital, and by paying the guards at the gate $5 or such matter for leave to go into the country to buy them. All kinds of trades that are calculated to make men comfortable were carried on there, such as shoemakers, tailors, watchmakers, &c. There were two watchmakers there, five or six shoemakers, and five or six tailors. The streets were full of soup jobbers; there were about thirty eating-houses there; they consisted of tables made out of rough boards and long benches; coffee, tea, ham and eggs, biscuit, butter, and honey could be got there; there were at least five hundred bakers in the stockade; they would bake biscuit, bread, pies, cakes. They would get the flour from the post adjutant and from the cook-house and through the hospital; it would be smuggled in from the cook-house on wood wagons; it would be concealed below the wood and brought in. When the wood would be unloaded the flour would be taken out and delivered to the men it was sold to; it was always sold previously to being taken in; the bakers would manage to carry on their business very easily; there was always plenty of wood for sale and plenty of flour to be had, and plenty of saleratus; I had a 50-pound keg of that; I had a store after I had been there a while, styled "the novelty store." I had a greater variety to sell than any other man in the camp; some of the articles I had for sale were potatoes, onions, peas, beans, apples, peaches, grapes, pears, plums, chickens, watermelons, saleratus, flour, red and black pepper, honey, butter, and beer; I had sorghum, about a barrel. I had to pay for a barrel of sorghum $1,300 of confederate money; that would be $325 in greenbacks. I had to pay $70 of confederate money per pound for tea. We got the apples from the post adjutant; they cost us at the rate of $60 a bushel, potatoes the same, onions the same; flour cost us $70 a sack of 98 pounds; I had large quantities of tobacco; it was generally in 25-pound boxes, which would sell at $22 50; we got ale from the post adjutant; we bought it directly from him; he always came inside with loads of these goods; I had ginger and capsicum, and different kinds of roots and herbs in my store; I would buy them from the paroled men detailed in the hospital; I would get apples, grapes, and watermelons sometimes from the post adjutant; sometimes from the men who were on working squads; they would get them when out at work and would bring them in and sell them to the traders inside; we could get outside whenever we wanted to by giving the sergeant at the gate $5, generally to take us out to the country to a house where those articles were kept for sale; it was about five miles outside the limits; have very often helped sick prisoners, acquaintances of mine; I would give them medicine for scurvy and diarrhœa; a dose of medicine there for diarrhœa would cost about $1 25 in greenbacks; they would come around there to my tent every day when I told them to do so. There were clothing merchants there; there were only two that I particularly know of; but there were a great many on the streets selling clothing of different kinds, shirts, pants, shoes, overcoats, caps and hats. Clothing was very cheap there; a good pair of army shoes could be got for 75 cents or a dollar; a very good overcoat for $4; pants for $2; shirts were about the dearest things there were there, they averaged about $3. There were quite a number of money brokers there; they would buy and sell State money, confederate money, gold and silver; there were about 50 of that class there; they would also deal in bounty certificates and watches, and would buy and sell bank checks. There were bank checks to buy and sell; they would be brought in by new prisoners; they would buy these bounty certificates at a great discount and run the risk of getting their pay on them; there was no place there for paying those bounty certificates; they would risk getting their pay when they returned north; it was not known there whether the certificates were genuine or not; most of them were on the State of Massachusetts; they gave about 50 per cent. for bounty certificates. I should judge

there was half a million of greenbacks circulating there when the Plymouth prisoners were brought in; confederate money was brought in in any quantity. There were a number of barber shops there where men could get shaved, their hair cut and wiskers dyed, and some of them carried on the doctoring business. Only one carried on the doctoring business that I know of personally. They would buy their dyeing articles to work with, their soap and other things, from new arrivals. Those things were brought in in large quantities. During the month of June there was an arrival of fresh prisoners nearly every day, who were brought from the neighborhood of Petersburg and Richmond. There were quite a number of arrivals in July. Not so many in August. Those who were brought in in those months were generally able-bodied men, very healthy, well clothed, and had plenty of greenbacks. They had also a number of little articles which soldiers wear. There were two watchmakers there that I know of. They repaired watches and jewelry. I have been at their shops. I saw upwards of 50 watches in one man's shop, and a number of articles, such as breastpins and rings, left to be repaired. This man kept a journeyman; the work was too heavy for himself. They had a full set of tools. They had a tent to work in. The tents were generally made of blankets stretched upon poles. Those poles were brought into camp by working parties. There were pole merchants there. I should say there were about 30 pole merchants. The working squads brought poles in—men who were taken out every morning to work and who were sent into camp in the evening; they would bring in such things as they could secure every day, fence rails, poles, and boards. The bakers could carry on their baking business very easily; everything that was needed to carry it on was to be had in the camp. Wood was for sale in large quantities. They constructed ovens of mud, some very large and others very small. They would buy the wood from wood merchants and also from the messes in camp. I cannot say how many wood merchants were there; they were passing around on the streets all the time. Some would get their wood from the working squads; they would bring in a good deal of it. Others would draw it for the whole mess and sell it. The messes there would be divided up in small numbers, and the men would agree to take each his turn in getting the whole of the wood. The messes consisted of any number of men who agreed to divide the wood up in this way. There would be from 6 to 30 men in a mess. They would draw wood every morning, taking it by turns, but one man taking the whole at one time. The wood was brought in in wagons and hauled right up to the quarters of the detachment and there issued to them. Then they would divide it among themselves. There were four sergeants to each detachment, one head sergeant and one sergeant to each squad. The squad sergeant would take the wood for the squad and deliver it to the messes. The mess would turn it over to the man to whom it properly belonged that evening—to the man whose turn it was to have the wood. He would take it off and sell it to the wood merchants; to any one who would buy it. The bakers might get wood in that way. A common-sized cord stick was worth two dollars in greenbacks. There were about five hundred bakers there. The tailors had the business of making pants out of corn-sacks taken from the commissary wagons. There were a number of tailors—five or six I was acquainted with. They were always busy making pants for men who wanted a clean pair of pants to put on once in a while, to make themselves feel like being at home. They stole the sacks out of the commissary wagons.

There was trading over the stockade. The trading over the stockade was done by men lying alongside the dead-line in the evening and asking the guard if he had anything to sell. If he replied that he had, they would agree to meet again at some hour during the night. When the man would come there, a sack of beans or potatoes, or whatever else it was, would be thrown over the stockade by the guard. The man purchasing it would wrap his greenbacks up in a rag

containing a stone, so as to throw it over the stockade. The guard next the one that threw the things over would keep the man from coming inside the dead-line until the confederate examined the money to see that it was all right; then the man would be permitted to go inside the dead-line and get his goods. That was carried on very extensively.

I had a store. I first bought a lot, and erected a shanty on it. I dug a cellar at the bottom of the tent, which was made of boards. In the night-time I would keep my goods in the cellar and in the day-time I would display them on the street. I would buy the boards from men who belonged to the working parties; they would bring them in when they came in at night. There were about three thousand tents or buildings of that sort inside the stockade, as near as I can judge. About half of the area outside the dead-line was covered with tents. We had real estate owners there; every man owned the ground his tent was on. There was some real estate agents for the purpose of buying and selling lots. They would buy lots whenever they could find them for sale, and pay for them according to the locality. I bought a lot on a side street, six feet square, and gave a dollar for it. I bought another on a principal street, also six feet square, for which I gave five dollars. There was not anything on it. I erected a shanty in both places. I bought the boards, which were for sale there every day. There were lumber merchants there. I occupied the shanties. I occupied them for stores and for dwelling both.

There were gamblers there; quite a number of them. They would deal faro, honest john, euchre, seven up, and poker. There was an organized gang of gamblers there; also some detached gamblers who would make use of tents during the day-time to gamble in, and who would have runners hunting out men who wanted to gamble. There was a great deal of money won and lost every day; there were a good many "chuckle-up" dealers, men who had a little board with numbers on, and boxes of dice. There was money there, so that that could be made profitable; I should judge there were a hundred "chuckle-up" dealers on the main street, and they had a crowd around them at all hours of the day.

There was a great deal of suffering there on account of exposure to the weather. I cannot say that anybody suffered from hunger. The rations that I got when I first went there were sufficient for me to live on; after the first week I did not eat the rations at all. If anybody had money there he could get what he wanted to eat. There were about a thousand dealers, stores and such like, there I think.

These men would dig their tunnels with knives, tin pans, and an instrument that was made out of a shovel.

Q. Describe that instrument.

A. A shovel would be taken from the working party and the handle burnt out of it. The iron which lapped over the wood of the handle would be then turned up at right angles, and the blade of the shovel would be rounded off.

They would work with it by lying flat in the tunnel and just shoving it forward as hard as possible. It was not very dark there at night-time; we had candles. We got them from the post adjutant, the post sutler, who would get them in very small quantities. They were a contraband article in the camp, and we were not allowed to have them. Whiskey was a contraband article. Candles were contraband on account of the tunnelling operations having been discovered. The adjutant was forbidden to bring any more into camp, as he stated himself.

(To the court.) The adjutant's name was Selman; he was a confederate officer. He belonged outside; he had a board shanty erected inside, and had two federal prisoners to take charge of it. That was the sutler's storehouse. He would have large quantities of flour, tobacco, beans, and peas, salt and rice, and small quantities of onions, potatoes, apples, and such things. Things that

were liable to spoil would be brought in in small quantities, and anything not liable to spoil would be brought in in large quantities. I would obtain grapes by the quart every day.

Captain Wirz brought those raiders back. He turned them over to the men who were appointed to hang them, and remarked that we were all prisoners in an enemy's country and in a bad condition, to make the best of it, and if we could get along without hanging those men to do so; if not, to hang them, and God have mercy on us all. Those men who were sentenced to be hanged were taken hold of; the hangman stood on one side and another man on the other side, and they were led to the steps of the scaffold. One of them broke away and was brought back. They were all put upon the scaffold and asked if they had anything to say. After they got through there were meal sacks drawn over their heads and the drop was drawn. The rope broke with one man and he was held up until the rope was adjusted again, and then he was pushed off.

There were at least four hundred wells and springs in the camp. The water was always plentiful. The water was very clear and good until the month of June. During June the water was very muddy. It rained so much during that month that nobody thought of digging wells or springs, and the creek was always very muddy. The deep wells were dug by companies; each stockholder paid so much for the privilege of getting water from the well at all times. There was money paid also for providing a guard to watch the wells and keep them from being destroyed, and also to keep too many from taking water out of them. There was a guard to guard them. The large wells were dug on the hill, northwest of the creek.

Q. How did they get water out of the wells?

A. There were strings and ropes in the camp, and boot-legs were cut up and leather strings made.

There were buckets; six buckets were issued to each squad of ninety men, and there were also buckets for sale. All the buckets that were wanted could be obtained for money. There was one man there who made bogus greenbacks; followed it as a business; he made a living at it; he had men to pass them off at so much a dollar. Those greenbacks would be thrown over the stockade to the guards in exchange for goods. He manufactured them with a green and red pencil and paper; I have seen some of them; I had one passed on myself, a ten-dollar bill. None of those men were ever tried or punished. The making of them was countenanced because it was for the benefit of the prisoners.

The swamp was partly filled when I came away. I came away the 24th of August, 1864. I left there for Charleston as an officer. (To the court.) All my evidence has reference to the time before the 24th of August. There was a letter-box at the south gate; it was about a foot square. I saw it full of letters at one time. When it contained letters there was a list posted up on the post to which the box was nailed, and during such time as it contained letters a sergeant came in every morning and unlocked it and called off the letters. If the men to whom the letters belonged or any of their friends were there the letters would be delivered to them. I saw one very small lot of boxes come for the prisoners; I saw what was in one box; the man next to me received it. That box had been forwarded from Richmond.

STOPPAGE OF RATIONS.

The whole camp was never deprived of rations any one day, from the 1st of June, 1864, to the 24th of August, 1864. Detachments and squads were deprived of rations.

Q. Explain how that was.

A. Men would escape by the tunnels and be reported by their sergeants as around in the camp in some place; the rebel sergeants when they would come to count off the squad would insist on these men being found. The sergeants

of squads would then drill up men wherever they could find them, and make them fall into place, and sometimes they would be detected in doing so, and the squad would be deprived of its rations for that day.

VACCINATION.

I never saw any one vaccinated there. The rebel sergeants when they came to count off the detachments would ask if there were any men there who had not been vaccinated, and if there were they were to report at the south gate at such an hour during the day. I saw some who had the appearance of having been vaccinated; men came by my quarters every day who had been vaccinated—very few in comparison to the number in camp; I should judge there were five hundred altogether passing and repassing with their sleeves rolled up. I never knew any of them to suffer from sore arms; I never knew a man with a sore arm in the stockade from any cause whatever. They could avoid being vaccinated by not going to the south gate. The rebel sergeant would merely ask if there was any man who had not been vaccinated, and if there was he was to go to the south gate to get vaccinated. If a man did not want to be vaccinated he could keep still and not go to the gate. There never was an examination of the prisoners to see who had been vaccinated. There was not any such thing as the guards taking them off by force if they did not want to go to be vaccinated; that never was done.

THE CHARGES OF MURDER AGAINST WIRZ.

I saw Captain Wirz coming in the stockade three times that I distinctly remember, while I was there. I never knew of his shooting, beating, kicking, or in any way injuring prisoners while I was there. I never heard of it. I circulated around the stockade to a great extent; I was going all the time. I never knew of the confederates getting furloughs for shooting Union prisoners.

Cross-examined by the JUDGE ADVOCATE:

I live in Quincy, Illinois. My brother has moved there since I came here to attend this trial. I have not lived there at all, but my home is with my brothers who live there. I lived at Cincinnati when I joined the service. I was in the first Kentucky mounted volunteer infantry. I was in the service only that one time. I never deserted the United States service. I never received a cent of bounty; I never received a cent of pay. I served the United States government without pay or reward, and I never entered a regiment but the one I first joined. I was captured in a fight at New Castle, Kentucky, on the 15th of September, 1862, with my regiment. I do not know how many others were captured at the same time; I was not the only one captured; the colonel was captured; he was Colonel Morris; I do not know where he lived; I was only in the regiment from Friday evening until Sunday morning. I enlisted at La Grange, Kentucky; I did not enlist, I received an appointment from the colonel as second lieutenant. I was acting as second lieutenant when I was captured. I had not my commission. I did not have charge of the company as such. I was serving as a second lieutenant; there were twenty men in my company; there were one hundred and twenty-four men in the regiment; it was just organizing, is what made it so small. It had not organized at the time I was captured. It was brought into fight without being organized. There were parts of ten companies in it. (To the court.) The regiment was never mustered into service. I do not know if the colonel was mustered in; none of the regiment were mustered in that I know of.

Q. How came it to get into a fight?

A. We were on the march to get into the centre of Kentucky to get recruits,

and were surrounded at New Castle; we were going there by order of Colonel Morris. We started off on our own hook to get into the middle of Kentucky to recruit; we started from La Grange, Kentucky. We started on a Saturday night, just at dark, in September, 1862. La Grange is about twelve miles from New Castle; Colonel Jessie captured us; he was a rebel guerilla; we were not guerillas. I understood it was by the authority of the governor of Kentucky that we were acting. I believe it was Governor Robinson. I left Cincinnati about the first of September. I can name other officers of the regiment. There was a Captain Robinson in the regiment; I do not know where he lived; I think he lived in Louisville. There was also a Captain Cole in the regiment; he was captain of my company; he lives in the centre of Kentucky. None of them were commissioned; none of them had received their commissions. None of the officers or men of the regiment were commissioned or mustered. It was not an independent organization; it was merely organizing. We had muskets; I do not know where they came from. I was there when the regiment was partially organized. The muskets were all there at La Grange when I joined the regiment; I drew mine in camp; I did not draw them for the company as captain; I was acting as second lieutenant. We all had muskets, captain and all; officers and privates had all muskets; I got mine from the acting quartermaster; I do not know who he was; I never heard his name, that I recollect. He had them in a tent; they were the old Harper's Ferry muskets, flint-locks changed. At the time we were captured we resisted; I do not know that any of the men were killed; I did not see any; there was a citizen of the place wounded, but none of the troops were wounded that I know of. I am not aware that we killed any of the rebels in that fight; that engagement was probably like some you have been in. The fight continued about an hour. We surrendered. It was reported that the regiment fighting against us was only as strong as ours; I cannot say. We were fighting with equal numbers, and after an hour's fighting we surrendered. We lost no men and had none wounded that I know of. The rebels had carbines and shot guns. We were in the court-house, about forty of us. The regiment was not composed of forty men only; the regiment consisted of one hundred and twenty-four men. The rest of them had gone back some place in the hills. We became separated because we resolved to stay in the court-house. A body of us were ordered to remain in the court-house; the rest left, including the colonel. I do not know that the men were allowed to separate by anybody's order, but they did separate. I do not know where the rest went to; we went into the court-house to make a fight. I did not send away any of the men.

Q. According to your estimate there were seventy of the men nobody knew where, and forty went into the court-house to fight; were you one of the forty?

A. Yes; there were over eighty went off. I never united with the eighty; I never heard of them again. The forty fired upon the rebels as they charged on the town and continued to fire for an hour, and then we surrendered. Over a hundred attacked us, I cannot say how many. I was taken to Knoxville, East Tennessee, after I was captured. I do not know what became of the rest. I was put under special guard. They made a special matter of my case; they recognized me; it was claimed that I was a spy; one of Jessie's men recognized me as such. He claimed that I was a man whom he had seen before; I do not know that he ever saw me before; I do not know it. I do not know where the rest of my regiment was taken. I do not know anything about the colonel; I never reported to him again. I made inquiries for him after I came out of prison; I have not heard of any of the regiment since; I never heard of any of the officers since; I have inquired about them; I could hear that there was such a regiment, but I could not hear what became of them. I was kept at Knoxville about a month; I was kept in the jail at Knoxville.

When I was captured I had in my possession a fac-simile of confederate money, a discharge of my brother's, and a parole of honor, not a forged one, a genuine parole; it was my own parole of honor not to take up arms against the Confederate States. I have not taken an oath to serve the confederate government; I have not taken an oath not to take up arms against it; I gave my parole I was not in violation of my oath when I was captured; my parole had run out; my parole was given to the man who commanded at Lexington, Kentucky, in the fall of 1862. As nearly as I recollect, I bound myself not to take up arms against the confederates while they remained in Kentucky. I am certain about that; it was not that I was not to take up arms against the southern confederacy while it was fighting the government, it was merely while they occupied Kentucky; it was forced upon me. I was a citizen of Cincinnati and was at Lexington, Kentucky, when I was arrested on the street, taken to the provost marshal's and forced to give a parole.

Q. How were you forced?

A. They threatened to send me to the guard-house

Q. How were you forced?

A. They threatened to send me to the guard-house. I was at Lexington, Kentucky, looking for work. I could not get work at Cincinnati. My trade is coach-making. I made application at Cincinnati for work. That was in 1862. There are not more extensive establishments of the kind in Lexington than there are in Cincinnati. I went there because it suited me best to work there. I can name an individual in Cincinnati to whom I applied for work. I applied to J. & B. Bruce, corner of Elm and Columbia streets. I applied to them in the fall of 1862.

After I left Knoxville I went to Grenada, Mississippi. The rebel home guard took me there. I don't know what I was considered at that time; I still understood that I was under charges. I had nothing about me at that time; nothing but my clothes. I was kept at Grenada until a raid came, and then I was taken to Jackson, Mississippi, by the rebel guard. I staid there two or three days. I took nothing but my clothes from Grenada to Jackson. They took me to Canton from Jackson. I don't know how long I was there; I was off and on a dozen times. I was taken from there to Panola, Mississippi, for trial. I was run from one place to another during the time that Grant was besieging Vicksburg. I left Panola finally about the last of June, 1863. I had nothing but my clothing with me there. I took away nothing with me from there. Next I was taken to Canton again. I made my escape from Canton on the 5th of July, and tried to reach Fryer's Point, on the Mississippi river. That was in 1863. I was captured and taken to Columbus, Mississippi; staid there about a week, and was sent to Richmond. I arrived in Richmond the last part of July, 1863. I staid in Libby prison nine days, and then was put on Belle island. I staid there till the last of August, 1863, when I made my escape. I was recaptured at Petersburg on the 1st of September. I staid the whole of August at Belle island. After I was captured at Petersburg I was put in Castle Thunder, and kept there five months. I was sent from there to Salisbury, North Carolina. I took nothing with me but my clothing and a ball and chain. I staid at Salisbury four months. I left there in May, 1864. I was taken from there to Andersonville. I took nothing with me but my clothing. I was put in the stockade the same day of my arrival there.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I commenced business at Andersonville about the second week after I arrived there. I started in business on my ration of corn-bread I don't know what day. It was not the first day I arrived; it was some day in the first week I was there I sold my ration of corn-bread. I got ten cents for it. I sold it to

somebody in the street; I could not say who. I don't know what he did with it. I saved the ten cents till I got more. I saved it till the next week. I got ten cents every time I drew a ration of corn-bread and sold it. At that time my ration was a piece of corn-bread about three inches thick and four inches long and wide, a pint of cooked beans, and a piece of bacon. I lived on the peas and bacon. I ate no corn-bread at all. I continued on that regimen about two weeks, and I sold my corn-bread ration every day for ten cents. That was not the extent of my trading; I bought eggs and sold them, and then I bought soap and sold it. I commenced dealing in eggs about the 10th of June, I think. I bought thirteen dozen of eggs. I paid three dollars and sixty cents for them per dozen. That was about the 10th of June, and I went in the stockade about the 1st of June. I bought them from a man nicknamed "Limber Jim." Up to that time I had not bought anything. I sold my ration for ten cents a ration up to the 10th of June. I do not know how much it would make. I bought the eggs on tick. It was customary to deal on tick among men who had confidence in each other. I was regarded as a man of honor, and am wherever I go. I did not fleece prisoners out of their money. I consider it consonant with my ideas of honor to buy and sell among prisoners who are starving. I could not assist them without doing so. I consider it consistent with my ideas of honor to trade with any man when I can better myself and others by so doing, and that is the basis on which I justify my traffic with those prisoners. I continued to traffic in that way until the very day I left the stockade I do not know how much money I made while there. I gave it away every day. I would give it to my friends, to men whom I got acquainted with there. I robbed no one. I traded with strangers to give money to my friends. I consider it honorable to take from strangers and give to friends, for this reason: the strangers were healthy, able-bodied men, and my friends there were sick. I sold to whoever wished to buy, and when men were not able to buy I gave it to them. When I left Andersonville I had $520 in greenbacks, and I entered without anything. At one time there I had in my possession five thousand dollars, which I got by trafficking in that way. I was there from the 1st of June to the 24th of August. I purchased flour, beans, pies, potatoes, onions, tobacco, honey, butter, grapes, apples, peaches, pears, and beer. I purchased sorghum at $324 a barrel in greenbacks, or $1,300 in confederate money. I purchased two barrels of sorghum while I was there. I purchased them from the rebel sutler—the adjutant of the post. I do not recollect whether or not I paid him for the sorghum at the time. I paid him for it some time. I paid him money every evening. I bought flour. I paid seventy dollars a sack for it. I bought flour in sacks almost every day Some days I sold as much as a thousand dollars' worth of flour. Almost every day I bought flour in the sack, Sundays and week-days, from the adjutant of the post. I bought apples also; sometimes as much as a bushel at a time; not in the sack—merely piled up in a tent. I would go there and view them. They were piled up by the men owning them. Apples were brought in by the working parties. I paid sixty dollars a bushel for apples. I never bought apples from the adjutant. I did not buy them almost every day; they were a scarce article. I bought potatoes too; I bought them by the sack. I paid sixty dollars a sack for them. I bought the potatoes from the post adjutant. I bought onions by the sack; they were brought in by the sack. I bought them from Selman, the post adjutant, at sixty dollars a sack. Potatoes and onions I bought daily. Of onions I bought but one sack a day on the average. Of potatoes I bought about three sacks a day on an average

The commission here adjourned till to-morrow, Thursday, 5th October, at 10 o'clock a. m.

OCTOBER 5, 1865.

The commission met pursuant to adjournment.

ATTEMPT TO IMPEACH THE TESTIMONY OF THOMAS C. ALCOKE.

Mr. BAKER. With the permission of the judge advocate, I desire to ask this witness one or two questions before he proceeds with the cross-examination.

The JUDGE ADVOCATE. Very well; ask your questions.

By COUNSEL:

I know the witness Alcoke, who testified here on the part of the prosecution. I had a conversation with him just previous to his departure from here after he had testified on the stand.

Q. State what it was in relation to his testimony.

The JUDGE ADVOCATE. I object. The purpose is to impeach the testimony of Alcoke. I submit that the proper ground has not been laid; if so, the record will show it. The witness Alcoke must have been asked and asked during his cross-examination, whether at any time, mentioning the time, and in the presence of anybody, mentioning the persons, he said such and such a thing with regard to this case. If that ground had been laid and the record showed it, then this witness could be interrogated as one of the persons who heard Alcoke; that is the rule, and the reason of it is, that a witness before he is impeached must be cautioned of the particular thing he is going to be impeached about. The court and the counsel understand that.

Mr. BAKER. The judge advocate will bear in mind that in the case of one or two witnesses for the prosecution I requested them very politely, indeed, to be particular on certain points, because I expected to contradict them, and for that suggestion I received a very severe rebuke; of course I would not attempt it again. In the next place, as to this witness Alcoke, I am not contradicting him as to any part of his testimony, but I propose to show to the court the degree of weight that should be attached to that testimony by reason of the manner in which, after he had testified, he expressed himself to this witness on certain points; of course I could not call his attention to that while on the stand. I propose to give to this court his own denial of the truth of his testimony, and of course no one could know that he would deny his testimony until after he had given it. After he had given his testimony he said himself there was no truth in it, and that goes to his impeachment, not to a contradiction of any facts to which he swore. I have a right, according to the rules of law, to show that any witness after he testified said that his testimony was untrue. Nothing is clearer than that, and that is what I propose to do now. The objection of the judge advocate is on another point which does not arise. It relates to contradicting a witness, but this is impeaching the testimony of a witness by his own language.

The JUDGE ADVOCATE. The fact now stated presents the rule in another aspect. It is that the language used by the witness was used after his examination. Now, if the court pleases, the same principle is involved, for this reason: that after Alcoke was examined and off the stand he was no longer acting under the solemnity of an oath. The reason for contradicting a witness while on the stand is to make him reiterate things under the solemnity of an oath. That is the only point there is in it. If the purpose had been to cross-examine him for the purpose of impeachment, or if a desire had been entertained by the counsel to impeach him, he ought to have put him on the stand again for that purpose.

Mr. BAKER. The judge advocate misunderstands my object. It is not to contradict the witness in anything he testified to.

The JUDGE ADVOCATE. I understand that.

Mr. BAKER. Of course then I could not call his attention to it while he was on the stand. After he had testified and was going away, he said himself that

there was no truth in his testimony. So of course it could not have anything to do with my contradicting what he testified to while on the stand. It is an impeachment, not a contradiction, showing from his own language that there was no truth in his testimony. If the court is about to rule upon it, I will put it in this shape that it may be considered. I offer to show by the witness now upon the stand, that the witness Alcoke, who testified for the prosecution, after he had got through his testimony and had got his discharge, told this witness that there was no truth in what he had testified to. That is my object.

The court was cleared for deliberation, and on the doors being reopened,

The PRESIDENT said: Mr. Baker, the court have decided to sustain the objection of the judge advocate. At the same time they have decided that if you wish to continue the investigation of this matter under the rules of law, as clearly settled, you can take a summons or subpœna for the witness, bring him back, put him upon the stand and ask him questions.

Mr. BAKER. I should like to continue the investigation under what I consider the rules of law, but I do not wish to bring back a witness for the government under the circumstances.

The PRESIDENT. You have to accept the decision of the court. We cannot consent to violate the law as clearly established and repeatedly decided. At the same time we are not desirous of protecting any man who may have acted in the way you seem to think you can establish that this man has acted, and for that purpose we offer you a subpœna for the witness Alcoke.

Mr. BAKER. I do not want that.

The PRESIDENT. Very well, that is the decision; no more remarks on it.

Mr. BAKER. Of course I shall abide by the decision of the court.

The PRESIDENT. Of course you will have to do it.

Mr. BAKER. Well, I have no disposition to do otherwise, and have never shown any.

The PRESIDENT. You talk as if you had.

Mr. BAKER. I always abide by the decision of the court respectfully.

The PRESIDENT. Well, let it be so without any remarks.

Mr. BAKER. I have nothing further to ask the witness.

OCTOBER 5.

Cross-examination resumed by the JUDGE ADVOCATE:

I was born at Lancaster, Ohio; I shall be 24 years old my next birthday. I have a trade; I am a coach-maker. I have worked at that trade since 1853. I was at home before that time; I did not live at home in Lancaster, Ohio. My home was in Cincinnati. I left Lancaster, Ohio, when I was five years old. I removed to Cincinnati. I lived in Cincinnati till the breaking out of the war, except such time as I spent learning my trade at Covington, Kentucky. I learnt my trade in Covington. I think I was nearly fourteen years old when I first went into it. I shall be 24 next birthday, and I have been working at coach-making since 1853. I do not know whether I have got that figuring right or not; I believe I commenced learning the coach-maker's trade before I was fourteen years old. I do not know how much before; I have not figured it out. I don't think it was any years before. I have never been convicted of any crime; I never committed any. I have never been charged with the commission of any crime. I have never been in any penitentiary or jail, except such rebel jails as I have been in. I did not take an oath of allegiance while I was at Andersonville, to the rebel government. I did not make any promises to that government while there. I never was tried as a spy; I was held for trial when I made my escape. I said on the record that I was held for trial. I told you distinctly that the trial was interrupted by raiding parties from Memphis. The trial had begun. It had begun twice and was interrupted each time. It was a court of

confederate officers that tried me; a military court at Panola, Mississippi, both times. The interruptions were made by raiding parties from Memphis. I left Panola each time and went back again; I don't recollect the month when my trial first begun. I had no assumed name then. My name there was Fechtner. It was shortly after that when I was next tried; in the course of a month. I was arraigned then under the name of Fechtner; I assumed the name of Charles W. Ross, after I dropped that of Fechtner. I assumed it at Columbus, Mississippi. After I made my escape I was recaptured and gave the name of Charles W. Ross, to prevent being taken back to camp and tried as a spy. I had not acted as a spy; I left Cincinnati about the last of August, or the first part of September, in the year 1863. The rebels occupied Kentucky at that time. I do not know how much of it. They occupied Lexington then. I left Cincinnati to get employment, and went to Lexington because I could not get employment in Cincinnati. The rebels were not in possession of Lexington when I went there. When I said a moment ago they were, I did not have reference to the first of the month; I had reference to the last of the month. They occupied Lexington after I arrived there. I knew that they occupied Kentucky. They did not occupy Lexington when I went there. I went there to get work. It was not in rebel possession. If I stated otherwise I made a mistake. I did not assume any name there; I went under my right name. In the course of two weeks after I arrived there; I was required to give a parole. It was made out in the name of Fechtner. I do not know who was in command of Lexington when I got there; I think the rebel general, General John Morgan. I do not know what time I arrived there; I do not know where his headquarters were. I suppose General John Morgan was in command when I arrived there; I do not know; I was not conversant with rebel affairs. I could not tell where his headquarters were. I did not know. I was not told; I was told he was in command; I heard it on the street in Lexington. I told you that Lexington was captured in the course of two weeks after I arrived there. There were no rebels in command there when I arrived. I did not say that General Morgan was in command there when I arrived.

By direction of the judge advocate, the reporter read the following question and answer from the record:

"Q Who was in command at Lexington when you got there?

"A. I do not know who; I think General John Morgan."

That is not true; I did not enter the military service until after I left Lexington. I went to Louisville from there; I did not enter the military service at Louisville; I entered it at La Grange, Kentucky. I entered the service there. That was the first time I was in the service at all. I went from La Grange to New Castle. I should judge it is twelve miles from La Grange as near as I can recollect, east of La Grange. That was in September, 1862. I was captured at New Castle. I said that the colonel was captured at the same time; not with me. He was not in the squad of forty. I could not say where he was, not being with him. I saw him five minutes before we entered the court-house, before the fight began. We were in the court-house square at the time the enemy had approached in sight. The fight had not begun—the skirmishing. The fight began as soon as the colonel retired from the town, Colonel Morris. He retired about the time we entered the court-house. There was no organization of the regiment, no discipline; that is how it happened that our regiment were divided in that way. They scattered and took to the hills; only forty stood for the fight—that is all; I have never heard of any of the members of that organization since I came back, or what became of them.

I left Andersonville on the 24th of August, 1864; I was taken away as an officer; I was ordered away by Lieutenant Davis. When I first arrived there I did not report myself as an officer; I did not make myself known as an officer till the day I was taken away. I did not claim the privileges of an officer be-

cause I did not think I was entitled to them. I knew I was not an officer; I made representations finally that I was an officer. I think that was false in some respects. I thought I was entitled to the privileges of an officer, seeing I was acting as such when captured.

Q. A moment ago you said you thought you were not entitled to the privileges of an officer?

A. A man is liable to change his thoughts. I do not change mine in half a minute. They are both the truth. It is true that at one time I did regard myself as entitled to the privileges of an officer. It is not false that I left there representing myself as an officer. I went to Macon from there. I said yesterday I went to Charleston. Macon is on the road to Charleston. There is no explanation about it. I went to Macon, and from there to Charleston. I could not say exactly when I arrived at Charleston. In the course of a week, I should judge—in about a week; that would make it about the 1st of September. I do not know how long I staid in Charleston. I was kept there as a prisoner—as an officer. I gave the name of Charles W. Ross, fifth Ohio cavalry—I mean first Kentucky mounted infantry. I said fifth Ohio cavalry, because I had been passing as a member of that regiment at Andersonville. I gave my name there as Charles W. Ross, company K, fifth Ohio cavalry, with the rank of private. I deliberately falsified when I entered the stockade.

Q. You called yourself a private, when you were an officer?

A. I was not an officer.

Q. Then you were not an officer at all?

A. A man is not considered an officer till he is mustered in, as I understand it.

Q. Then you do not persist in saying that you were entitled to the privileges of an officer?

A. I persist in saying that I thought I was entitled to the privileges of an officer.

Q. But you persist in saying that you were not an officer?

A. No; I was not an officer. I could not receive pay as such. I did not know that an officer was entitled to different treatment there from a private, and I did not find it out after I left. I sought to leave because my life was threatened by men that had been raiders there. I have never been a raider myself. I have never participated in their operations. I did not secretly sympathize with them. I never made money out of them. I have never shared in the money they made.

I do not know when I left Charleston. I have no idea whether it was in one month or two months. It was not more than two months. I believe we left in October. I left when the rest of the officers did. I left with the officers. I went from there to Columbia, South Carolina. I staid there until the 1st of March—about the 1st of March, 1865. I assumed the name of Charles W. Ross, 1st Kentucky mounted infantry, with the rank of second lieutenant. I staid at Columbia from the time of my arrival till about the 1st of March, 1865. I made my escape from there, and was recaptured in the field. I made my escape by concealing myself under the hospital when the prisoners were moved off. I was captured again by rebels in the field in the first week in March. That was four or five days after I escaped. I had no money; I had spent my money for something to eat, and given it away. I had given it away; I can name several persons to whom I gave money. I gave money to Lieutenant Tinker, of an Indiana regiment; I cannot say what regiment; I think the eighty-first. I can give you his post office address. I gave some to Lieutenant Johnson, of the third Maine regiment. That was part of the money I made out of the prisoners at Andersonville. After I was recaptured, I was sent to Richmond and exchanged under the name of Charles W. Ross, first Kentucky mounted infantry. I was exchanged by order of Robert Ould, on the confederate side,

and received by Colonel Mulford, on the federal side. I think rolls were passed at the time; I don't know. I assumed on the rolls the name of Charles W. Ross, second lieutenant first Kentucky mounted infantry. The rolls were made at Richmond. I know there never was any such officer in that regiment. I do not know anything about whether the government knew it. I know the government exchanged me under the name of Charles W. Ross, belonging to the first Kentucky mounted infantry, when there was no such officer in that regiment. I did not perpetrate a fraud on the government, because, immediately upon reaching the federal lines, I went to Colonel Mulford and told him about my case. I was not an officer; I believe there was an officer exchanged for me. I do not know that I perpetrated frauds on both governments, because I explained my position to Colonel Mulford, and was accompanied by an adjutant of the fourteenth Illinois cavalry. That was the 14th of March, 1865. I was in Richmond that last time about three days. I was about four days coming from Columbia to Richmond. I was about four days getting to Richmond. I didn't say that I was captured on the 14th; I said about the first. I was delivered for exchange on the 14th. After I left Colonel Mulford, I was sent to Annapolis, Maryland, to Parole camp. I was sent there because it was the depot for exchanged prisoners. I went there as an officer. I entered the name of George W. Fechtner. That is my right name. I have a certificate to that effect. I left Camp Parole the same day that I arrived there. That was the 14th of March, 1865. I do not know how far that camp was from where I saw Colonel Mulford. I went from there direct to Cincinnati. I remained there until I recovered from sickness—about a month. That was in April, 1865. Then I went from there to Vevay, Indiana. I remained there until about the 1st of September, 1865. I was not subpœnaed from there. I was subpœnaed from Cincinnati. I was in Cincinnati at the time I was subpœnaed. I visited Paducah, Kentucky, Chicago, Illinois, and St. Louis, Missouri, during the time I was absent. No other places that I now recollect. I was travelling on private business. I object to giving my private business here I do not want to avail myself of an unwillingness to disclose any crime.

Q. Then what was your business?

Mr. BAKER objected to going into the witness's private business. He knew nothing about it, but it was contrary to all rule.

The objection was not sustained.

I was never a gambler. I went to Paducah, Kentucky, to visit a brother of mine; that was the business I was engaged in. I went to visit him not on business. As I understand it, there are different businesses besides commercial business. The business was a visit to my brother; that was all. His full name is Charles R. Fechtner. I could not tell you in what part of the city of Paducah he lives. I can give you his post office box: it is No. 226. He resided there when I last heard from him. I went to St. Louis, too. I went there to hunt up a sister I had not seen for a number of years. I staid there but a very short time. My business there was to visit my sister. Her name is Miss Lizzie Fechtner. She lives at Carondelet, Missouri. At that time I did not find her residence. I went next to Chicago. I went there to hunt up a man who was owing me money. It was Lieutenant Cummer, thirteenth Illinois infantry. I did not find him. I returned then to Cincinnati. Those are the only places I recollect having visited of any importance while I was gone. I could not tell you what time I arrived at Cincinnati. This travelling was done between the 20th of March and the 1st of August. I did not play at cards while I was gone. I did not gamble during my absence from Cincinnati. I did not pursue gambling as a business while I was at Cincinnati. I did sometimes gamble. I did not gamble any while I was at Andersonville. I played cards there always for sport or for drinks. I played for eatables and for drinks. I never played for money, or clothing, or anything of that kind. I have three brothers. One of

them is now in Cincinnati. He has always been there—lived there. The one at Paducah has been there since March last. Before that time he has been around in different parts of the country in different States. He has not resided anywhere permanently. He resides now at Paducah. I have only three brothers. I said yesterday I had two living at Quincy and one at Cincinnati, and now I say I have one at Paducah. I have no fourth brother. I told you my brother had moved to Quincy when I came from Cincinnati. I said just this moment that I had one brother in Cincinnati, and I have one at Paducah. I said yesterday I had two in Quincy. My home is with my brothers, and they live in Quincy. One of them who lives at Quincy is at Cincinnati. It is true that the one who I say is at Cincinnati lives there, and he is now living in Quincy. No, sir; he has not two residences. He has but one residence. He is in Cincinnati at present, or was in Cincinnati last Friday, or on the 27th of last month.

I arrived at Andersonville the 1st of June, 1864. I was put in the stockade the same day. I left there the 24th of August, 1864. I went out of the stockade frequently while I was there—very frequently. I should judge there were 500 wells and springs there. I do not know the number of wells—about 50 that could be called wells. There were about 450 springs. They were located along the edge of the swamp adjoining the creek. All of them were running; pure and clear water. They were located from the upper part to the lower part. They were in that condition all the time, except during the rainy season—except during the month of June. The water was pure, good, and clear. There were 450 of them. They could not get more than a pint of water at a time from most of them. At none of the springs could you dip out a bucket full at a time and continue that during the day. None of those springs yielded a bucket full at a time; they were not deep enough to put a bucket in. We did not use buckets at the springs. We applied the buckets to the wells. There were about 50 wells. They were from 50 to 100 feet deep. Some of them were six feet in diameter. The average diameter was about three feet. A great many of them were curbed up with flour barrels. None of them were as narrow as one foot in diameter. I do not know the exact width of a flour-barrel. Some were as narrow as the diameter of a flour-barrel. I fix the average at three feet. Some of them were covered; some were open. When covered, they were not occupied by tents or for sleeping purposes. There was a small hole left in the centre of the covering for the purpose of drawing water, but they were not occupied in any way. I do not know how many holes were used for tunnels. I was engaged in three myself. I cannot say how many I knew about, because we were trying to tunnel all the time. I can only speak of three tunnels. They were about two feet in diameter. Sometimes they were occupied, and sometimes not. The three tunnels that I was connected with were all occupied for sleeping purposes. We slept over them. I know tunnels that were never occupied. I couldn't state the number. I know of tunnels that ran in from wells that had been dug. There were not any tunnels unoccupied from the surface of the ground, only those that went down from wells.

There were not many vacant lots there for sale. Sometimes a man would sell his lot and move off. He would go to some other place, join in with somebody that had a tent already up. I should judge there were about 20 vacant lots at the time I was looking for a lot. They were generally about six feet square. I do not know of but 20. My shanty was located on the main street, leading from North Main street to the new stockade, directly in the rear of the sutler's frame shanty—about 50 feet from the sutler's frame shanty.

[A diagram being handed to witness, he pointed out upon it the location.]

My shanty was not half way between the creek and the north end of the stockade; it was about a third of the way, and directly in the rear of the sutler, and about a third of the way from the west side of the stockade. I was

not in partnership with the sutler. I never shared any of his profits. I never contributed to his profits. My shanty occupied six feet square. Some one else occupied it with me; my partner occupied it with me, and three men we had in our employ. I had a business partner; he was Charles W. Ellis. One of the clerks in our employ was a Frenchman; one was a little boy of the 17th Pennsylvania cavalry. I forget what regiment the other one belonged to. The boy slept outside the shanty; four of us slept inside. I did not have the boys because of the extensive business I had there; I had them out of pity for the condition they were in. I took them out of a sense of humanity. The boy was nearly naked and was very sick with scurvy when we took him. He was a very little boy; he was a stranger to both of us. This partnership was formed about the middle of July. We had a tent six feet square on the ground. The corner posts were about four feet high; the posts in the centre about eight feet high. That contained our stock in trade. I had a cellar to the tent, that was immediately under it. I kept the goods stored there. That was the dwelling and the shanty also. I said yesterday I had two lots at different times; I moved from one lot to another; I bought one lot for a dollar and another for five dollars, and I moved my shanty to it. The shanty and the dwelling I consider one and the same thing. The traffic in lots was extensive there and generally known throughout the camp; I don't know whether it was known by the rebels; I don't know whether it was known by the rebel guard or not. There were two main streets and a number of by-streets there, some of the by-streets were accessible to wagons—some were not; the main streets were accessible to wagons always, and were used while I was there every day for the purpose of hauling in rations and wood. I never saw more than four wagons at one time. I have seen four in there at one time hauling rations and wood. These streets were not kept clear; they were cleared when the wagons were driving through. During the crowded season these streets were occupied at night before the stockade was opened, the new stockade. It was opened the last of June or first of July; the exact time I cannot tell. That enlarged the stockade. The streets then continued open all the time, except when the roll was called; the men assembled on the streets to be counted off. The streets could at any time be cleared and used for driving the wagons through; men had to get out of the way or be run over. North Main street was about ten feet wide. It ran from the north gate to the opposite side of the stockade.

Q. East or west, or north and south?

A. I never noticed where the sun rose there. That street went across the stockade parallel to the brook. There were two of those main avenues. There were quite a number of by-streets; I never counted them—about a dozen. They ran at right angles with the main street, and in some places across the whole length of the stockade and some not—not generally across the whole length; there were only two roads across the whole length; there were two main by-streets across the whole length; their width was about four feet. There were about two shorter ones; they ran from the main streets back toward the stockade; they would average about one hundred yards on the north side of the main street, and about fifty on the south side. That was the continuation of each one; I mean that half of them were fifty yards, and half of them a hundred yards. Those were the only avenues there I recollect. They were occupied at one time for sleeping purposes in the night. In the day-time they were occupied for walking purposes. Some of those by-streets were used for wagons; some were not; they could always be cleared for the wagons; the wagons were driven by our men, and they ran over the men if they did not get out of the way. They never killed any in that way. They ran over some frequently. I don't know that I have seen any run over in that way; I have seen men who were hurt, and they said it had been done in that way by wood wagons and ration wagons running over them. There were no wood-yards there. The deal-

ers carried their wood round on their shoulders; their wood-yards were on their shoulders. I never saw a lot of wood that brought over ten dollars. It was not for sale in very large quantities. I don't know that I said yesterday it was for sale in large quantities. I want to take nothing back. I have seen wood sold in lots for $10. There was a sutler's shanty there that was used for storing his goods in. There were private places used for storing goods and not otherwise used; I could not say how many of them; every store-keeper had a private place to store his goods in; all traders who had goods they did not sell during the day had places to put them at night. I know how many traders there were. All traders did not have goods over night. There were traders who merely sold goods for other men, and what goods they had at night they returned. They would sell on the streets. There were over fifty of those places occupied in that way. Some of the places were only two feet square and three feet deep; some were four feet square and six feet deep; I don't know what the average was. I did not concern myself with anybody's business but my own. I do not know anything about other people's business. That was my business to know about the general condition of the camp particularly. I cannot give any average of the amount of space covered by these holes. There were five hundred bakers in the stockade; all of them had bake-houses; they were located in all parts of the camp except the swamp. There were five hundred bake-houses; some occupied a large space—some a small space. The largest one I knew of baked 22 dozen biscuits at a time; the smallest baked three platesful. The large ones occupied a space of ground about eight feet long and six feet wide; the smaller ones would occupy about two feet square. There were very few large ones there—only two that I recollect; there were five hundred of different sizes—some two feet square, some more than that. They ranged from three plates of biscuit up to 22 dozen. One witness you had here was a large baker there.

(By Counsel.) His name was Hayes.

Those bake-houses were not used to sleep in; they were used exclusively for baking. There were no lumber yards there, except travelling lumber yards, as wood was cast about in the stockade. These lumber dealers carried their lumber on their backs; there were no lumber yards. About one-half of the ground within the stockade was covered with tents; I mean one-half of the area inside the dead-line, exclusively of the bake-houses, and exclusive of those things I have been mentioning; not always exclusive of the wells; sometimes the wells were in the tents. That was the case very often; with the big wells, it was the case about half the time. I told you that they did not sleep on some of the wells; they slept on some of the large ones. They were six feet in diameter. They would cover them with stockade timbers, got when the new stockade was opened; the timbers were given to the men in the camp. They were 18 feet long, 18 inches wide, and a foot thick. About half the wells were covered, and were used at night for sleeping purposes. There were about a thousand traders there of all kinds. I don't recollect how many real-estate dealers there were; about half a dozen I should think. There was not plenty of space there for the prisoners to occupy. They were very much crowded before the stockade was opened. They were not crowded after that. These real-estate dealers never ceased to carry on their business while I was there.

Q. How did it happen that six feet square of ground was worth five dollars?

A. The location of it made it valuable; it was on the main streets—just the same as real estate is more valuable on Pennsylvania avenue than it is on the by-streets. Andersonville was a city—a market place. All it lacked of being a bazaar was the women. It was not just as agreeable in all respects as a city; I did not say so. There were two watch dealers or watchmakers there that I knew of. There were all kinds of trades carried on there necessary to the com-

ort of the men. I did not say that watchmaking was necessary for the comfort of the men.

Q. When you mentioned that, in connection with other trades, as necessary to comfort, what did you mean?

A. I did not say it in that way. I deny having said it in that way. Everybody was a wood merchant there that had wood to sell. Nearly everybody in the stockade became a wood merchant in his turn. I have seen thirty on the street at one time. I cannot swear that there ever were more than that number. There were half a dozen shoemakers there. There were quite a number of gamblers all over camp; I cannot say how many. I did not cultivate any acquaintance with them. I had not anything to do with them. I sometimes sold to them. I never had anything to do with them in the way of gambling. I do not mean that they simply played in the way I have been speaking of playing for drinks; they were professional gamblers. I cannot tell how many of them were there. I did not tell the precise number of chuck-luck dealers there; I told about how many. I said there were about one hundred on the main street. That was not the only method of gambling there; there were faro banks; also honest-John dealers, poker players, euchre players, and seven-up players. These others were not as many as the chuck-luck dealers. There were about fifty altogether, I should think. There were 150 gamblers. There were half a dozen tailors there. About thirty pole-merchants there; they brought in fence-rails, poles, and boards every day; I do not know how many. The men who had luck enough to get them brought them in. I have seen thirty men on the streets selling boards and wooden poles. I said, yesterday, that I saw them daily; I have seen them on the streets daily. They would charge about two dollars for a lean fence-rail; a quarter of a dollar for a common-sized pole, and a dollar for a large one. A common-sized board, about a foot wide, and six feet long, sold for a dollar. There was a scarcity of those things, yet I saw them every day. There was a scarcity all the time. There were about thirty eating-houses there. There were a number of soup-jobbers there; I should think there were 300 soup-jobbers and meat peddlers together. At those eating-houses they sold ham and eggs, beef-steak, tea and coffee, biscuits and butter, honey, and sandwiches; some kept whiskey to drink, and beer; we could get a thimble-full of whiskey for $3. The price for a dish of ham and eggs, and such things, was regulated by the price for the articles in the market. I have known eggs to sell for $1 75 per dozen, and I have also known them to sell for $4 50 per dozen; I have never known them to sell at a higher price than that; I have known hams to be sold for eight dollars, and the price raised to twenty dollars. I never bought a meal's victuals at any of those restaurants; I had a cook. The Frenchman I mentioned was my cook. There was always an abundance of those provisions there. I could always get a good meal's victuals at one of those restaurants. A good meal's victuals there, as I understood it, was hot biscuits, coffee and tea, ham and eggs, fried potatoes, and fried onions; also steak and onions. I could get also steak and onions. I could get such a meal as that in the stockade, including the articles I have mentioned, for about ten dollars in greenbacks. Onions were worth a dollar apiece there when they were retailed. Ten dollars in greenbacks was worth forty dollars in confederate money. There never was a time that I recollect when I could not get such a meal's victuals as I have described, inside the stockade, and for that price or something less; not any more than that. There were quite a number of doctors inside the stockade among the prisoners; some of the barbers were acting as doctors. There were not any doctors there exclusive of the barbers. The barbers and doctors were the same; and the traders, such as myself, who had medicine for sale. The bakers baked biscuits, bread, pies, cakes, and puddings. I cannot tell the name of the puddings they would get up there. I have eaten them. They were not similar to those that I got at hotels in the north; they

were baked puddings made after the manner of making sponge cake with a dressing. The dressing was made of butter and sugar. We got pies made of apples and peaches—dried apples and dried peaches, and green apples and green peaches. They also had blackberry pies. There was a scarcity of green fruit sometimes, but we could generally get some kind of a pie when we wanted it. The price of a pie generally averaged about four dollars in greenbacks—a dollar for a quarter. In getting meals at a restaurant they would not serve up a dessert of pie. There were about 20 or 30 clothing merchants there who were buying and selling all the time. There were two that I know of; that is what I said yesterday. I do not know of any others personally; I knew them as I saw them on the street. I said in the same connection that the prisoners as they came in would sell their clothing. I should judge there were 20 or 30 street clothing merchants there that followed it for a living; who were constantly in business. There were 30 or 50 brokers there perhaps I adhere to the estimate I gave yesterday—50. They had establishments where they bought and sold money. They did not have any safes. After the regulators were organized a man was safe for any amount of money there The regulators were organized in the latter part of June. The prisoners were safe for any amount of money after that time. They were not safe as to all their provisions after that time; sometimes a crazy man would come along and snatch up something to eat. They were safe, as to provisions, from the raiders. I am sure about that. I do not pretend to say that the camp was in a good state of discipline the last of June; I say after the last of June; the regulators were raised in the last of June. After they were organized we had no trouble with the raiders; not after they were taken out. I am sure of that. Six of them were hung on the 13th of July, and they were men who had been taken out before the 4th of July, and had been kept outside all that time. After the regulators were organized there was no danger from raiders. And yet on the 13th of July, two weeks after their organization, six of those raiders were hanged; those men had been taken out previously.

The money brokers generally kept their money in their tents. I have seen men there with over $1,000. I have known a man to have more than $1,000 at one time. That man was myself. I never knew anybody else to have that amount. These bankers did not generally run their institutions with a basis of $1,000; all the men who had more money than they could use would buy money and buy bounty certificates. They would not establish a bank. I cannot tell how many barbers were there; they were constantly changing. I have seen as many as twenty barber shanties at one time. They established their barber concerns by raising a blanket on poles. The charge for shaving a man was twenty-five cents. They used a razor to shave a man with. They charged half a dollar for cutting a man's hair. I could not say what they charged for shampooning; I never was shampooned while I was there, except when I did it myself. The prices I have named were in greenbacks. A man could get shaved and have his hair cut for 75 cents.

(By the COURT.) I never had my whiskers dyed; I have seen it done frequently, but I never inquired the price.

I have frequently seen men have their whiskers dyed, especially the gamblers; I cannot say how many I ever saw have their whiskers or moustaches dyed; it was a daily occurrence. The best barbering establishment in camp was close to my shanty; I knew that those men were gamblers because I frequently saw them play; I did not associate with the gamblers any further than was necessary; I did not find it necessary to go to look at them play; I would see them in their tent as I passed along the street.

The sick averaged about two hundred per day that went to the south gate for medicine; whether they were all sick or not I could not say; I could not say whether there were any others in the stockade sick; I did not say that I never saw more than two hundred inside the stockade who were not sick; I know that

there were sick in hospital; in the prison hospital outside. I do not know of others who were sick inside the stockade; I do not know of any others who were sick, except the 200 who were taken to the gate every day; I was circulating around that camp every day; I have seen numbers of men die inside the stockade; they had been taken down to the sick gate; I have seen men die on their way to the sick gate; they were of that 200; I have seen men die who had not been taken to the sick gate; I have seen them cut their own throats and die in that way; I do not know for what reason they cut their throats; there was a very perceptible reason: the men were skin and bone and in a very destitute condition; I did not say yesterday that I never knew a man to suffer from hunger while I was there; I say that there was a very perceptible reason for a man to cut his throat, because he was emaciated and debilitated and in a destitute condition. I cannot see any inconsistency whatever; the men were wasted away by sickness; I have seen men wasted away here in Washington city; I am not arguing; I am merely stating facts; I do not know whether these men had been taken to the sick gate or not.

Q. Yet you say you never knew a man to be sick there who had not been taken to the sick gate?

A. I did not say anything of the kind. I do not know whether these men who cut their own throats were taken to the sick gate or not; men were frequently taken to the sick gate and brought back; sometimes men were taken to the sick gate every day for a week and never received medical attendance, and had always to be carried back, those who could not walk; but in these cases I do not know whether they were taken to the sick gate or not; I do not know of any man who was sick except those 200 who were taken to the sick gate daily; there may have been cases where men were not taken to the gate; but one case does not make a rule. I do not know that men were dying in the stockade at the rate of thirty or forty a day while I was there; I do not know that there were over 1,000 there sick every day who did not go to the sick gate and could not get there; I have seen men lie in their tents unable to go to the sick gate, very frequently; I said that I never knew a man who was sick that was not taken to the sick gate, because his friends always carried him there; all those cases were carried to the sick gate. I never saw a man who was not able to be carried to the sick gate; too sick to be carried there; men frequently died on their way to the sick gate; all except the 200 per day that I mentioned were well of the entire camp; when a man does not go to the sick call, or is not taken in, he is considered well; I believe it is so in federal regiments. The dealers there would all mostly come under the head of grocery dealers; I would estimate the whole number at a thousand.

Q. You said you could get anything you wanted by paying the gate sergeant $5, and he would take you to a house five miles off where there were plenty of things that you needed?

A. No, sir; I said nothing of the kind.

Q. Did you not use this language, "We could get out whenever we wanted to by giving the sergeant at the gate $5, generally, to take us out to the country to a house where those articles were kept for sale?"

A. Yes, sir; I said that. I told the truth when I said that; this was frequently done by myself and others, almost daily, all the time I was there; I have been in a crowd of half a dozen; we have met in the woods after getting out; they would pass out of the gate one at a time, and after getting out we would meet in the woods; we did not go in this way without a guard; the rebel sergeant accompanied us; he was not on duty at the gate; these sergeants were men who came in to count off detachments; I said "the sergeant at the gate;" we would make an appointment with the sergeant at the gate to meet him, and we would meet him there; the meeting was with the sergeant at the gate; we would go out with the sergeant; some of the sergeants had revolvers and some

had not; those who had not revolvers would not go armed; one sergeant would take out one man; he would not come back and take another; there were five different sergeants, each with a man apiece; I met five, I made the sixth; there were six sergeants with us; sometimes we staid out there all the afternoon; some of the sergeants were with us; some were not; sometimes they left us; they did not all leave us, some remained with us; I have been out there when only two sergeants remained with six soldiers; that was almost an every-day occurrence; this house was about five miles off, at an angle from the southeast corner of the stockade; it was on a line with the hospital from the corner of the stockade nearest the hospital; we would go out past the hospital; we would pass through the woods to this house; always to that one house; we generally got cakes when we were there; sometimes we brought eggs and butter from there; sometimes honey, but as a general thing we got cakes there; we got tobacco also; a different kind from what the sutler sold us. I do not recollect anything else except small articles of grapes, plums, and such things. I cannot think of anything else I got just now; I have named all that I can recollect.

By the COURT:

I do not recollect the name of the proprietor of that house; the proprietor was a man; he was a guard at the stockade; I don't know whether he owned the house; he lived in it; the women who were at the house sold these things; there were three; I do not know their names; it was a log house—one story; two rooms, with an opening between the rooms. It was on a line with the hospital from the corner of the stockade nearest to the hospital; I do not recollect in what quarter of the stockade the sun rose.

By the JUDGE ADVOCATE:

I left the south gate and went past the hospital.

(A diagram being exhibited to the witness he pointed out the direction.)

If that is southwest we went southwest; I did not get anything else than these things I have mentioned, that I recollect. I might have said that others got something else at those times; I do not recollect.

Q. The record shows that you said you got apples, grapes, and watermelons; is that true?

A. The record does not show that I got watermelons at that house; and I do not know of anybody else getting them there. I certainly would not carry watermelons into the camp from there when two would constitute a load. I have helped the sick. A dose of medicine for the diarrhœa was worth one dollar and twenty-five cents or one dollar and fifty cents; I sold it and also gave it away; I have sold a dose of medicine to a man who was sick; that was during my stay at Andersonville; I do not know whether the man to whom I sold it was one of the 200 who were taken to the sick gate or not; I did not say that he did not go to the sick gate; I did not know him to go. It was a frequent occurrence for me to deal out medicines at the rate of $1 25 per dose; I sold medicines each day; I don't know how many times—sometimes more and sometimes less; every day during the month of July and August, until the 24th of August, I was selling medicine in that way; that is one way I helped the sick—by charging them $1 25 per dose for medicine; I helped them in another way by giving it to them. I do not think that I helped myself more than I helped them, by selling them medicine instead of giving it to them—no more than the doctors here in Washington, when they helped themselves by helping the sick. I sold medicine for scurvy; that medicine was roots; I sold blood-root and also a root that was called red-root; I had different kinds of herbs for sale there; I do not recollect their names; there was not much trade of that kind there besides what I did. I was the only man who could be called a druggist; I sold medicines to the barbers; there were others who sold medicines; some of the barbers sold medi-

cines; they bought of me and sold again; they bought of me and also of men who had access to the hospital. For diarrhœa I sold a dose composed of capsicum, ginger, flour, and an egg, mixed with water or beer as the case might be; I would mix it, and I charged $1 25 to $1 50 for a drink.

By the COURT. A dose would generally fill a pint cup?

It contained one egg, about two table-spoonfuls of flour, half a tea-spoonful of capsicum, and a tea-spoonful of ginger; the balance water or beer. A man sick with diarrhœa would drink a pint of that mixture. Prisoners brought in there while I was in the stockade were hardy, able-bodied, and with plenty of greenbacks and well clad; that was nearly always true. I was there from the 1st of June until the 24th of August; the Sturgis raiders who were brought in were able-bodied well-clad men; I do not recollect the number of them; quite a large number—over 1,000; 600 came in one body; they were all well clad; I noticed when I first went in there that prisoners were brought in in that condition; I noticed how they looked when they went away; they did not still continue to be able-bodied. Some of them looked worn, while others were still able bodied, healthy men; they looked sickly—were wasting away; I do not know from what cause; I do not know any reason; I am not a medical inspector; after having been in the stockade from the first of June till the last of August, I know no reason why men should waste away there, other than the fact that they were in prison, and from the exposure. That is all.

Q Did you ever know men to waste away on the march in ordinary campaigning, or have you not had experience of that kind?

A. No sir; I have not had much experience of that kind. It is true that wood was hauled in and taken right to the squad and there issued. The wagons would drive on the streets that were accessible to wagons. By a squad, I mean a ninety. In some cases they would drive right to the 90 and there issue the wood; not always. So much wood was hauled in for a 90 and was given them—to the whole 90—given to the sergeant commanding the 90. He would issue it to the heads of messes. They would issue it to the man to whom it belonged that day, if they had agreed among themselves to take the wood in turn; if not it would be cut up and issued to each man.

Q. If it was issued to each man how much would be given to each?

A. The quantity varied much; sometimes I have seen them with a quarter of a cord-stick for each man; at other times I have seen them with no more wood than you could put in a quart cup

When the supply for the mess was turned over to one man he would generally sell it; that is the way the wood business began. The men would sell it, generaly to the bakers. It was done to a large extent throughout the camp. The bakers got their wood partly in that way.

Q. If the squad turned it over in that way, and the men would sell it, how would the men cook their provisions?

A. The men received cooked rations—all except meat. One-half had cooked rations and the other half did not. I do not know how the half who did not get cooked rations did when the men sold their wood. The wood was generally sold throughout the camp. I do not know that the man who received wood for the squad in selling it would leave the rest of the squad without any; they might have had other means of getting it; they had not plenty of wood there; it was because it was not plenty that it was sold.

I bought the lot I had there of a man who was on it; I could not say who he was. I bought my first lot about the middle of June; I did not commence business in the shanty the middle of June; I bought the lot which my shanty was on and where I did business about the 1st of July. I put a board shanty on it, and a little stock of beans and such like—a very small quantity. The stock was not principally beans; I had beans and peas, tobacco, salt and rice, and a few other little articles. I occupied myself before I opened that shop in selling round

on the street, about a week before opening my shanty; I used to sell cakes and beer on the street. I built my shanty in July. A week before that I had a small stock of beans, peas, tobacco, rice and salt. My stock was not of great value at any one time. I could buy salt by the pint, and beans by the quart. I was running that establishment at different times from the first of June to the first of July; I was a cake merchant; I sold cakes and beer on the street. I sold on commission for another man. Then I sold tobacco, beans, peas and rice. I sold my corn-bread first; I afterwards changed to eggs and soap. When I was selling tobacco, beans, peas and rice, I had on hand at one time as high as $25 worth; I was a very small dealer then. I bought twenty bars of soap on that occasion. That was my first purchase. At that time I had nothing else on hand. I bought the soap from a prisoner. He had got it by going to that country house I spoke of. I do not know exactly what I paid him for it—something over two dollars and a half a bar. That was not the first article I commenced dealing in. Eggs was the first article that I bought to sell. That was the day before I bought the soap; I bought thirteen dozen of eggs; I bought them on tick, from the same man that I bought the soap from; he was nicknamed "Limber Jim." I sold my eggs for $4 a dozen; I was all day making that sale. I paid "Limber Jim" for them just as quick as I got the money for them—the same day. I paid him for the soap as quick as I turned it into money; it may have been a week or two weeks. It was a very slow sale. "Limber Jim" was a private or sergeant, I cannot say which. He was a dealer at that time. He went to the country house I spoke of and got the eggs there. He smuggled them in. He brought the soap at the same time. He offered both to me at the same time. I did not take the soap, because I had no cofidence in it; I took it the next day; I did not gain confidence in it; I took it as a venture. I paid something less than $3 a bar and sold it at $3. The only thing I sold up to that time was the soap and eggs. I sold my ration before—the corn-bread part of it; I ate the rest of it—I swear to that.

Q. You swear positively to it?

A. Yes sir; I wish to ask you whether I am on my oath here or not?

The JUDGE ADVOCATE. If I were to give an opinion on that subject, I should say it did not make a great deal of difference.

The PRESIDENT, (interrupting.) That must cease—that is not proper.

Mr. BAKER protested against the course of the cross-examination as not being directed to any matter of the slightest importance, but to trivial circumstances.

The PRESIDENT directed the examination to be proceeded with.

I commenced doing a cash business about the 15th of July, on no capital of my own—on no borrowed capital, on my partner's capital. He had $500 in money and over a thousand dollars in stock at the time he took me into partnership. Up to that time I had no money; I had bursted in my former business, and had sold my coat to pay my debts. I owed several small traders in the camp. You understood me to say that I did the biggest business there after the 15th of July—not before.

Q. Then it would be safe to start with you on the 15th of July with nothing but the shirt on your back?

A. No sir; it would not be safe to do anything of the kind.

When I was taken into the firm I had not a dollar; I had a coat. The terms of partnership were that I should do all the selling, and my partner all the buying, and that we should share the profits equally. I cannot say how much our first day's sales amounted to. Our sales averaged $500 a day, from the 15th of July to the 25th of August. I cannot say what profits we would make on that. We had not any general principle on that subject. We had more extended means of buying than others, and we sold at market prices. I cannot say within any reasonable limit what the profits were, for we were always giving away. We divided our profits equally. I had $5,000

on hand at one time. I kept the money for the firm; that was not profits, it was money that we owed to the man from whom we bought the goods. He had gone to Macon. We had laid in a large lot of goods and this money accumulated. When he was there we paid him every evening; that was Lieutenant Selman. We made most of our purchases from him. It was not true of most of the dealers; it was true of most of the large dealers there. We did not have at all times everything that was necessary; at one time there was a scarcity of salt for about a week. Green fruit was scarce. Nothing else that I recollect. The leading articles, flour, potatoes &c., were always there. The rebel currency in comparison with greenbacks was at the rate of four to one. It was not in very general circulation. There was not much confederate currency in there as there was greenbacks.

Q. Was there half as much confederate money as there was greenbacks?

A. I have no idea of it whatever The sutler and the rebel sergeants would bring in lots of confederate money.

Q. What then do you mean by saying yesterday that there was any amount of confederate money there?

A. Because it could be got in any quantity; it was brought in there for sale. It could be had more readily than greenbacks. There was just as much confederate money there as there were greenbacks to buy it. New prisoners would have federal money when they came in; I could not say how much confederate money was there. I cannot give any estimate at all; I stated the amount of greenbacks in circulation there; I said it was a half a million of dollars. That amount was not there all the time, it was going out every day very fast. That amount was there in the month of June; I cannot say how much confederate money was there in the month of July.

Q. How can you speak with so much certainty in regard to greenbacks, when you can give no idea about confederate money?

A. Because Plymouth prisoners who were brought to the stockade had been paid off four or six months' pay at that time and came there with that money in their pockets.

They brought in most of the $500,000. There was 1,900 prisoners that came in one lot from Plymouth. I do not know how many came in another lot. They had been confined for a short time in other prisons before that on the way to the stockade. The sutler had a partner; his name was Bush, a rebel sergeant; he was on duty. He came in and counted off the detachments. I cannot say what interest he had in the sutler's establishment. I do not know all the goods came through Adjutant Selman. The goods were marked E. D. or E. B. Bush. I do not know the terms of their partnership.

Clothing was sold there in quantities. I do not know how it was outside in regard to clothing. I did not go outside except to the house where I used to buy goods. Trading over the stockade was done from the inside. It was carried on to a great extent. The trading of the prisoners inside with the sentries in the boxes was carried on to a great extent. I do not know if any of the articles passed out in that way. Some men sold coats when the guard wanted to buy them. I do not know whether pants were passed out or not, or anything except money in exchange for goods bought. I never sent out anything in exchange for goods except money. I never sent out watches or anything of that kind. There were five or six tailors there that I know of. They were employed in making sacks and pantaloons. The sutler did not sell the sacks. The potato sacks had to be returned to the sutler. Sacks were an article of merchandise there. Towards the last period they brought one dollar apiece. They were sacks that would hold a bushel of corn meal. It would take two sacks for a pair of pantaloons. The tailor got from a dollar to $2 for making the pantaloons. They would be worth $4; I got two pair of pants made in that

way myself and I paid from $3 to $4. The sacks were cotton—very rough cotton sheeting.

There were shoemakers there; they mended boots and shoes. I do not know what they charged for half-soling shoes; I never had a pair half-soled there. Labor was worth about a dollar a day there. There was no leather there, other than old boots and shoes. I do not know how long it took to make a pair of shoes; I have heard that men in Massachusetts make 24 pair a day. I do not state that as my belief; I state it merely as I heard it, not as my belief. (To the court.) They are cut out by machinery and put together by hand. The shoemakers were paroled men who had been working for the confederate government, and I suppose they stole their tools from the confederate shop. Those that I saw there were constantly busy mending shoes.

By the COURT:

There were plenty of shoes there for sale; they were offered for sale every day. Not shoes on men's feet; men would walk barefooted with their shoes under their arms. The men would sell their own shoes and others' too.

By the JUDGE ADVOCATE:

That was done to a great extent. They sold overcoats too. There were also a great many shirts for sale. Men would not take the shirts off their own backs and sell them, but men would come in there having two or three shirts—extra shirts. That was general. A pair of pants brought $2; common army pants. They would be in good condition.

Q. Then how does it happen that a man would give $4 a pair for pants made out of meal sacks, when he could get army blue pants for $2.

A. A man wanted something better than army pants. And I think that pants made out of meal sacks were better than army pants.

By the COURT:

There were many ragged men there; numbers of them.

Q. How was that if goods were so plenty?

A. These men had no money to buy them with.

By the JUDGE ADVOCATE:

These ragged men had no money to buy, but there were plenty of men who had money.

By the COURT:

I saw men there without shirts. I have seen men there without pants; I have seen men running about in their drawers. I have seen them without shoes and stockings on, and without hats. The reason of that was they had either disposed of all they had or had them stolen from them. Those men who were out of clothing had not money to buy other clothing with. Over half the men there were ragged to a greater or less extent; about 5,000 of them could be classed as very ragged. A man was considered well dressed when he had all the articles of clothing necessary for his comfort. The largest number of prisoners there when I was there was 33,000. About three-fourths of them were without money, and the money there was confined to one-fourth of the prisoners. The $500,000 I spoke of was in the hands of about one-fourth of the prisoners, including the dealers. I know how pants, shoes, overcoats, and shirts were selling in the southern confederacy after I left Andersonville. I gave $200 in confederate money for a jacket and a pair of pants about four months after I left. I bought them in Columbia. The equivalent in greenbacks was about $22. I do not know how

they were selling at the time at Andersonville. There were six buckets to each ninety; they were issued when the squads were formed; in every month; squads were forming in every month. They would always give them six buckets. I am sure of that; I have seen buckets issued frequently. Each ninety had six buckets. I do not know how many buckets there were in the camp. Thirty-three thousand was the greatest number of prisoners when I was there. The number of buckets would be 33,000 divided by 90 and the quotient multiplied by 6. There were nearly 3,000 buckets in camp. They were used for carrying water, selling beer, drawing rations. They were also used for carrying dirt.

Q. What did you mean by saying the water was clear and good until June, as you stated yesterday?

A. I did not say so; I said that during the month of June the water was muddy on account of the rainy season.

Q. You stated yesterday that the water was clear and good until the month of June.

A. That is a mistake; the word until should be the word except. I said the water was good and clear except in the month of June, the rainy season.

There was a man inside who made greenbacks. He made them out of paper, with a lead pencil and a green pencil. That is all that he used that I know of. I could not say what kind of paper he used. He used a lead pencil made out of platinum, I suppose. The greenbacks were made with nothing else that I know of.

Q. Will you state on your oath that that is your belief?

A. I am on my oath here. And I say that one was passed upon me. It looked like a ten dollar greenback. I tell you distinctly that greenbacks were made in that way to the best of my knowledge, and that it was generally known througout the camp I have examined a greenback. I know there is some red in them. I do not know how these men made red out of green and black. At the time I took this note I could see very imperfectly; it was at twilight, at the time when these bills were generally passed.

By the COURT:

I looked at it the next day. I did not notice the paper, but I did notice that it was a very good imitation of a greenback. I have seen a green pencil.

By the JUDGE ADVOCATE:

This trafficking business kept me busy the whole day after I became a wholesale dealer.

I was a magistrate there from about the 1st of July until I left. I was chief of regulators for a short time—about a week. I held quite a number of investigations as a magistrate. My duties as a magistrate did not occupy much of my time. I had my office in my tent. Men were not tried in the tent but in the street. I did not impanel a jury. I decided the cases myself. I heard the evidence and decided the cases; sometimes, when the case was complicated, I asked the advice of others. And I imposed the sentence. Sometimes a sentence was that a man should be washed. If a man had stolen a tin cup or committed a slight offence, and he was too sickly to be flogged, that punishment was inflicted. I would flog him if he was a well man for stealing a tin cup. A man would get from one to thirty lashes. I cannot say how often I imposed that sentence upon a soldier; some dozen times. I did not whip soldiers myself for stealing a tin cup, but I had it done. When a soldier was sickly he would be sentenced to be washed or to sit in his tent. Washing a man was a punishment. I cannot tell why, but men would refuse to be washed. The water was clear and good during the last two months. The man was taken down to the creek, put upon the platform there, and washed. Not with brushes and towels,

with hand and soap. That court regarded it a punishment to wash a man in clear water on a hot day. It was not a fact that the water was not fit to be washed in that made that a punishment. The water was used for drinking purposes. There was never any objection of that kind made. But by some of the men it was regarded as a punishment to be washed.

It is true that everything necessary for baking purposes was obtainable inside. Everything necessary at that place was to be had. I do not know whether it was obtainable outside also. I know they had these things inside; whether they had them outside or not I cannot say. My means were not limited inside.

I made over $1,000 sales in one day. That is about the amount. Mostly of flour.

I never saw a man go under the dead-line to get water. I do not know of that having been done. I have seen men shot at the dead-line right at the creek. They were getting water there. I do not know why they would risk their lives there if they could get plenty of good water below. I suppose it was in the month of June, when the wells were not plenty. We all used the water of the creek in the month of June.

Q. You cannot say why men went to the brook at the dead-line, imperilling their lives, rather than go below that for water?

A. That part of the brook, between the dead-line and the bridge, was the only part where they could get water for drinking purposes.

I do not know the reason why they went there instead of going nearer to the bridge.

By the COURT:

There was plenty to eat in the stockade which could be bought. There was not plenty that was issued. The ration that was daily issued was enough to sustain life. That ration consisted of a piece of corn bread about three inches thick, three inches broad, and three inches long. Sometimes it was cut four inches long. It was a cube of three inches. We also had a pint of cooked rice and beans and a piece of beef which would average two inches broad, three inches long, and three-eighths of an inch thick. The beef was very seldom of a good quality. I have seen it not fit to eat. We got nothing else, except when there was no meat, there was sorghum issued as a substitute. Sometimes we got bacon instead of beef. I think that ration was sufficient for men who had been raised on it. Men paid exorbitant prices to bakers and others for something to eat when they had rations enough to subsist on, for the same reason that men go to first-class hotels when they could get plenty to eat in second, third, fourth, or sixth-class hotels, and that was the case with those who had money there. Those who had not the money would be compelled to subsist on the ration they got. I do not come to the conclusion that nobody was ever hungry there. I never saw anybody there who was starved. I have seen men in a starving condition, because they could not digest the ration they received. When these men did not have friends to help them they had to die. There were a great many there who seemed to have no friends. I should judge there was one-fourth of the camp who were unable to get along with the rations they drew. They were unable to keep themselves healthy on the rations they drew. I did not see suffering from starvation. If a man was unable to eat the ration given him because of his incapacity to digest it, he would suffer from starvation if he had no other sustenance.

Q. If men were unable to digest the rations they received, and had no other sustenance, would you say that they were not suffering from starvation?

A. No, sir; I would not in cases of that kind.

Q. Then you take back what you said, that you never saw anybody suffering from starvation?

A. Never from starvation; I have seen men suffering from want of better to eat than they had. I make that distinction; there was a great deal of suffering

in that way; it could not be avoided with the means at hand; it could have been avoided if they had had money. I helped all I could; I helped men I never saw before. I did not care more about making money than about relieving suffering men. Had I given away all I had in one day, I would have had nothing to continue my system of trading and could not have helped men any other day.

Q. Did you ever refuse to help anybody?

A. Yes, sir, I did, I refused quite a number; it was a daily occurrence. I had five men eating in my tent besides myself and partner; these were my attendants; I supported them. My charity went outside of that number; I had a number of visitors every day at my tent to receive something to eat; and my partner and myself went out through the camp alternately every day. I had about a dozen daily visitors. Some days I would refuse as high as fifty, because it was not in my power to aid them; I had plenty, but if I had given all in one day, I would have had nothing to give the next day, or to help myself. That was the principle I went on; that is the principle of nature—self-preservation. I made no fortune there; when I left there I had $520, and before leaving I gave $40 of that, which left me only $480, and when I got to Charleston, I gave $40 to one man, $75 to another.

The PRESIDENT. That was very creditable to you.

I suppose 5,000 men could be supported on those provisions there. There were provisions enough in there for 5,000 every day. At least that number could have satisfied themselves every day. Everybody who had money could not make arrangements with the sergeant to go out for provisions. They were not favorites who could. There were a few men with whom this special arrangement was made. I do not know the number; all the principal traders could do so. At least a hundred came under the head of large dealers. I do not know whether this practice was known at headquarters or not.

Q. Could it have been practiced by 100 men daily, or by any number approximating that, without its being known at headquarters?

A. I do not know anything about headquarters; it could not be practiced at all by that number of men, or by half that number.

Q. If there were a hundred having this special privilege, why was it not used in behalf of those men who had money without charging them so much; why not take their money and get provisions for them?

A. I was never asked to do so; besides, the men who had the money were the men out of whom we made our money to give to those who had none. We obtained this privilege of going out by getting very intimately acquainted with the sergeant of a squad; everybody could not do that; any man whom a sergeant took a fancy to could do it; it was subject to the caprice of a sergeant. There was no difficulty in purchasing at all times any quantity of flour and potatoes. Potatoes were sometimes scarce, but there was always flour.

Q. Could not the rebel government have purchased for the hospital?

A. I do not know what the rebel government could do; I was not connected with that.

Q. Do you not know that it could?

A. I suppose so; I sold as much as $1,000 worth in a day; I could always purchase it.

OCTOBER 6, 1865.

AUGUST GLEICH, for the defence:

I was in the Union army for three years and a half; I belonged to the 8th Pennsylvania cavalry; I was taken prisoner October 12, 1863, at Sulphur Springs, Virginia; I was then carried to Richmond; I remained in Richmond till the 4th of March, 1864, and then I went to Andersonville; I arrived at Andersonville March 10, 1864; I remained there till November 16, 1864.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

When I arrived at Andersonville I was put in the stockade; I was not in the stockade all the time; I was paroled the 8th of April. I wrote a note to Captain Wirz asking him if he would not take me out of the stockade; I told him I would be willing to chop wood; at the same time he had sent in for hands to come out and cut wood for the men inside to cook their victuals with, so I told him that I would be willing to go out and cut wood; the next day he sent for me and I went out into his office; he looked at me and told me that I was too weak yet to cut wood, and he asked me if I could not do anything else; I told him that I could make myself useful among horses, so he told me to go to the stable, an officers' stable; I went there and I remained there till the time I left; there were horses at the stable belonging to officers, and Captain Wirz's mare was there; I took care of her; there were about eighteen horses in that stable; some of the horses were General Winder's, some belonged to Captain Piggott, to Captain White and Lieutenant Davis, and Captain Wirz's mare was there and two or three government horses. Captain Wirz had a gray mare; he never had any other.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Captain Wirz was sick once while I was at Andersonville; I think it was in the month of August; Captain Wirz's horse stopped there in the stable while he was sick; nobody rode her then except Sergeant Smith; he sometimes rode her. Captain Wirz was sick about a month at that time; Lieutenant Davis was in command while Captain Wirz was sick.

THE SUPPLIES FROM THE NORTH.

I drew clothing twice while I was at Andersonville; once in August and the next time in November. The first time I drew government clothing; the second time Sanitary Commission clothing. The first time I got pants, a blouse, shoes, and a cap; the second time I got a blanket, pants, drawers, and shirt, no shoes; there were not many there, only about 40 or 50 pairs. There was an order given in relation to the Union soldiers selling things. Captain Wirz told us that if we would sell anything to the guard he would put us in the stocks, and if he saw the guard or any citizen having anything from us he would punish him for it.

THE CHARGES OF MURDER AGAINST WIRZ.

I never heard that Captain Wirz shot or injured a man so that he died.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Cross-examined by the JUDGE ADVOCATE:

The letter that I wrote to Captain Wirz was written in English; I am sure it was not written in German. I told Captain Wirz in the letter that I was a prisoner and was sick and very bad off; had the scurvy badly; that I would be willing to go out and chop wood. He had called for men to do that. I did not tell him that I would be willing to do anything else; I told him I would be willing to chop wood. I wrote that letter after Captain Wirz sent word into the stockade for some men to come out. I thought I would be better off outside the stockade than inside. I wanted to go out; I was glad to get out; I was very bad off. I had the scurvy. I was very poor then; I was sick. I did not have enough to eat. I wanted to go out of the stockade because I did not have enough to eat. I understood that if I were outside I would get double rations, that was another reason why I went out. I did not cut wood after I went out

I took care of the private horses of officers. I went outside and became the hostler of Captain Wirz. I continued on that duty till the 16th of November. I was not exchanged the 16th of November. I went off to Savannah and got exchanged there. I went to Dr. Stevenson and asked him if he would not put me on the list; he told me he would; so he sent me off. I did not pay Doctor Stevenson anything for putting me on the list. Doctor Stevenson never had a horse that I knew of; he used to borrow horses there of some of the officers.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Q. Do you remember all about the dates of occurrences there, the particular days of the month, &c.? Did you charge your memory with anything of that kind?

A. No, sir; I never did.

Q. Then how do you happen to remember so particularly about the time when Captain Wirz was sick?

A. I know it was the month of August. I know it was the month of August because we drew clothing then, and I put that down in my brain; I had nothing for a whole year. I do not know the date exactly. I am certain it was in August. I am certain Captain Wirz was not sick in July. I don't know whether he was sick in September or not; I know he was riding around all the time in the month of July.

Q. Was he not riding around part of the time in August?

A. He came in the morning on horseback, went over to his office and remained there till about 4 or 5 o'clock, and then went home again. That was during the month of July. Captain Wirz was away once during the month of August; if I remember he went to Augusta; I heard so. A negro servant told me so.

Q. Then he was not sick all the time in the month of August?

A. He was not there anyhow.

Q. But he was not sick all the time during that month?

A. He was sick and went off. Captain Wirz went to Augusta in the cars; he went there to recruit himself. Captain Wirz was sick during the entire month of August; I did not see him there once during the whole month; I heard that Captain Wirz was sick, and his mare was there all the time. That is all I know about it. I stayed at the stable all the time.

Q. Then all you know is what you learned in the position of hostler to Captain Wirz?

A. I know that much—that he was sick.

Q. You know it from what you heard and from what you saw while attending to his horses?

A. Yes, sir.

THE SUPPLIES FROM THE NORTH.

At the time I drew clothing I was not naked, but I had not much. I was not better off than those inside the stockade. When I came out of the stockade I had a pair of drawers and a shirt, that was all. I continued to wear those about a week, and then I got a pair of pants which were given to me by Captain Reed, the provost marchal. About three or four weeks afterwards I drew a suit of clothing. Lieutenant Davis was in command then. In November I drew another suit. While I was outside I had two full suits of clothing served out to me besides a pair of pants which Captain Reed gave to me. Others, who were outside, got them. I had a double ration while I was outside.

THE CHARGES OF MURDER AGAINST WIRZ.

I never heard of a man being injured by Captain Wirz; I heard it spoken of while I was at Andersonville. All I can tell is that he would curse a man for

nothing at all hardly; that is about all he would do. At the time of roll-call he might pull a fellow around if he would not stay in his place; I have seen him do that. He would pull them around roughly. I never saw him draw his pistol on a man; I have seen him knocking them around in the line. I never heard any of my comrades or any of the prisoners say that Captain Wirz had injured them by beating them or anything of that kind; I never heard a word said about that.

OCTOBER 6, 1865.

MARTIN S. HARRIS, for the defence:

I was a soldier in the 5th regiment New York volunteer artillery, from January 15th, 1862, till I was discharged, in last June; I think it was the 21st of June. I was taken prisoner by the advance guard of General Early's force at Harper's Ferry on the 4th of July 1864; I was taken from there to Winchester, Virginia, thence to Staunton, thence to Lynchburg, and from there to Andersonville. I was confined in the stockade from July 29, 1864, until November 1, 1864. I was sergeant of a ninety in the stockade. I was a private in the army. I was appointed a sergeant by Captain Wirz before I went in, at the solicitation of the men of my own squad.

THE DEAD-LINE.

I know about the removal of the dead-line After the removal of the prisoners had commenced, on or about the 10th of September, the prisoners immediately commenced the removal of the dead-line; first the top rails, and afterwards the posts supporting the dead-line proper. They converted the material into fuel generally. This dead-line continued down for several weeks, I don't remember exactly how long, but until probably about the middle of October. During the abolition of this dead-line, the prisoners had unrestricted intercourse with the guard in conversation, trading, &c.; not only with the guard, but with the officers of the guard and the officers of the day. This was done with the full knowledge of Captain Wirz; whether it was done by his order or not, I don't know. He was aware of the fact; he could see it.

THE SUTLER.

There were numerous sutlers in the stockade—one chief sutler. About the middle of October there were great complaints made against this sutler, who was a Jew, in regard to his practices of extortion. Captain Wirz one day came in, and gave him a few moments to remove his effects of a purely personal nature, and after the sutler had done so, Captain Wirz told the boys to go and help themselves, which they did, reserving only some vegetables, some potatoes and onions, I believe, which he had there on sale, for the use of the sick in the hospital. Captain Wirz said to the sutler, "I will give you five minutes" (I think that was the time specified) "to remove your personal effects, your books and clothing," and then he said, "get out of this;" and the contents of his store were distributed among the prisoners. Captain Wirz reserved something for the sick.

By the JUDGE ADVOCATE:

I am speaking of what I know. I was present on the spot, and witnessed it. Captain Wirz reserved some potatoes; whether the sick got them I could not say, but they were reserved for that purpose.

CONDITION OF THE WATER.

By the COUNSEL:

The water of the creek was not fit either for cooking or drinking purposes. There were a number of wells which had been dug by members of detachments,

and which were reserved by them for their own private use; no outsider, except as a matter of special favor, could obtain any water from them. The springs were abundant, especially on the south side of the creek. In September, I think—at any rate it was during August or September—there was a spring discovered between the dead-line and the stockade, near the north gate. The men very soon ascertained that it was water superior to any other in the stockade; and they went there, with poles with a cup or bucket attached, to dip it up. This spring was afterwards cleared out under the supervision of the police, and a trough was constructed from the spring leading to a point inside the dead line on the prison side of it.

Q. Who ordered that to be done?

A. I presume——

The JUDGE ADVOCATE. If you don't know anything about it, you need not state what you presume.

Q. State what was a notorious fact.

A. It was a notorious fact——

The JUDGE ADVOCATE. You need not state what was a notorious fact.

Mr. BAKER. He can state what everybody said there.

The JUDGE ADVOCATE. The court will determine that.

The PRESIDENT. The court has determined a number of times that such evidence cannot be received.

Q. Go on and state what you know.

A. A trough was constructed, by whose orders I cannot say, leading under the dead-line to a point which was accessible to all the prisoners—a point remote from the danger of being shot by proximity to the dead-line. This spring furnished water enough for all the prisoners then in the stockade; that is, if they did not crowd too much at a time; if they went as occasion required, there was water enough there; they could dip it up in large bucketfulls. The trough led into a reservoir. The water was of excellent quality, in fact the best in the stockade. There were numerous other wells, but, as I said before, they could not be used except by those who had aided in their construction, or as a matter of favor. There were fifty or sixty wells, I presume, round the stockade in different parts.

THE RATIONS—THE SUPPLY OF WOOD.

Q. Do you know anything about any orders given by Captain Wirz to the sergeants of the squads in relation to a large quantity of rations and more accommodations to be given to the prisoners?

A. Yes, sir; after the number of prisoners had been reduced by transfer and exchange, I believe, to about 7,000, the camp was reorganized into detachments of 500, subdivided into squads of 100 each. They were all moved then on the south side, and the camp was thoroughly reorganized. Captain Wirz sent for the sergeants of these hundreds; they went to his headquarters, and he told them, me amongst the others, that the camp had been reorganized, and that, owing to the decrease in the number of prisoners, he was in hopes the provisions would be more abundant, of better quality and more regular in their issue. They were increased, in fact, the same afternoon. He also increased the ration of wood. Wood was hauled in in wagons, so as to furnish a sufficient quantity for cooking, and in addition to that, he permitted squads to go out to the number of 20 from each hundred, every day, under guard, and they were furnished with axes at the south gate, to chop wood and bring it in; sometimes they went two miles from the stockade.

Those who had blankets used them as coverings or tents. Of course those who had no shelter tents or blankets were permitted then to go out and chop pine tops, and they made a pretty good shelter. They used them for bedding also. After that there was abundance of wood in the camp.

By the JUDGE ADVOCATE:

There was abundance of fuel, both for cooking and heating purposes. Salt was a luxury in the stockade. I speak of my own positive knowledge when I say that salt was sold by the bakers at the bake-house to the traders inside the stockade in quantities to suit purchasers, and it was tied up in bags, and thrown over the stockade at night. The scarcity of salt affected our rations to this extent, that we had no salt at all in our bread for a long time; that is, no quantity which was appreciable; we could not taste it. Salt was conveyed into the stockade in the manner I have described, and was purchased by these traders and by them exposed for sale. One day about the middle of October I wrote to Captain Wirz that owing to the way in which our salt was disposed of, it was impossible to obtain any through the medium of our cooks, and I therefore requested him either to issue the salt to us personally, as the other provisions were distributed, from the wagons, or else to stop the supply altogether, so as to break up this trading. He immediately issued an order which was posted on the sutler's shop, prohibiting the sale of salt inside the stockade, and authorizing the police to seize upon it wherever exposed for sale, and to confiscate it. I do not know for whose benefit it was confiscated. Immediately after that, for a few days, the taste of salt was perceptible in our bread, but matters relapsed into their former state in a short time.

TREATMENT OF THE SICK.

On the evening of the 31st of October, about sunset, (it was the evening before we left, which was on the 1st of November,) the rebel sergeants came in and told those who were ordered to move (it was the first and second detachments I believe) to be ready to take the train the next morning at 8 o'clock; and they also ordered that all those who were really sick, or fancied themselves unable to go on the train, unable to bear the fatigue of the journey, should report themselves the next morning at the hospital inside the stockade. They did so. A number staid behind—a number who were able to bear the fatigue, but who wished to stay behind.

THE CHARGES OF MURDER AGAINST WIRZ.

I never heard, while at Andersonville, of any actual personal violence by Captain Wirz; I have heard of his cursing a man. Captain Wirz rode an old gray mare. I never knew him to ride a sorrel or a roan horse; he was always on the gray mare when he was mounted at all; sometimes he came in on foot. Captain Wirz never wore an out-and-out rebel uniform; it was generally a mixture.

The JUDGE ADVOCATE. You had better explain yourself on that point.

WITNESS. Very few officers, I think——

Q. How did he dress?

A. In summer time, or during warm weather, he generally wore light clothes linen clothes. As the weather became colder, he wore woollen clothes. I don't remember; he may have had on gray clothing.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The main streets of the stockade leading east and west from the north and south gates were lined on both sides exclusively with stores and traders of different kinds, venders of provisions and eatables of all kinds; in addition to that there were traders who had no settled place of business, and they would peddle soap and candles and different things. When the dead-line was up, they traded surreptitiously with the guard over the stockade, but when it was down, it was done openly. The men would come up to the stockade. I have seen the guard there lower down bags of potatoes, onions, fruit, eggs, anything they could pro-

cure for sale. Clothing and shoes, and buttons, which used to be an article of currency there, a pretty extensive one too, would be given in exchange; also watches, knives, combs, pocket knives, anything that they had. This trading was constantly going on, not only during the day but the greater portion of the night. A man on guard would sometimes make a bargain with a federal prisoner; he would not have with him the articles desired, and he would say to the prisoner that the next time he came on the post he would bring the article for him. It was a perfect understanding between them and was generally done.

STOPPAGE OF RATIONS.

I never knew of any stoppage of rations while at Andersonville. I know that the rations were never stopped for my squad as a squad. There were individual stoppages sometimes, when a man was remiss in duty; that is, when he did not appear at roll-call. I never knew the whole camp to have its rations stopped while I was there; that is, not stopped. The issue was sometimes delayed. If there was a large arrival of prisoners, the rations would be delayed until next morning, but they were always made good. Sometimes we had two issues a day when the one on the preceding day had been delayed. My first duty as sergeant of a squad was roll-call in the morning, after that to attend at the south gate with the sick, which took until about 11 o'clock; then to carry out the dead to the gate. Then there would be a slight interval during the middle of the day, and from the early part of the afternoon until sunset, all my time was taken in drawing rations and issuing them. That comprised the whole duty. Men of my squad would frequently be absent at roll-call; sometimes they were sick; sometimes they would be trading; sometimes they were too lazy to come; they might be asleep occasionally. If they were sick—if there were no absentees beyond those positively sick—I would take the rebel sergeant around to their quarters and prove to him that such was the case. If I did not know that a man was sick, I generally procured a substitute in his place, so as to make my number. The roll was called first by names, and then the sergeant counted the heads so as to verify the roll-call. I had one man in my squad, and only one, who, from the moment that he entered the stockade until some six weeks afterwards, never came near me. He had plenty of money when he entered, and when his money was spent he came back to the detachment.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

I was a prisoner at Camp Lawton, near Millen. I was released from the stockade at Camp Lawton on the 21st of November; I had arrived there on the morning of the 2d. I was detailed there as a clerk at headquarters to make out the exchange lists; that was what I was told. On the night of the same day, General Winder sent an order to Captain Bowes, commanding the stockade. I was sent back to Andersonville by order of General Imboden. He sent me across the country with a wagon train. We had our commissariat with us, but being desirous of procuring eggs, poultry, sweet potatoes, &c., we purchased them from the planters whenever we could.

Q. What information did you obtain as to supplies—whether the people had plenty or whether they were out of almost everything?

A. As a general thing they were very destitute, especially in the wake of Sherman's and Kilpatrick's armies.

THE DOGS.

Q. Do you know anything about federal prisoners going out with the hounds? if so, state what you know.

A. Not of my own personal knowledge; I know from the confession of a man.

Mr. BAKER. I ask that the witness be allowed to state it.

By the COURT:

This statement was made after my return to Andersonville. The man was a paroled prisoner outside. The man was not dying; he was in perfect health. It was not a dying statement.

Mr. BAKER. I see no use now of putting the question. I suppose that as this was not a dying declaration it will not be allowed to come in under the ruling of the court.

THE CREDIBILITY OF THE WITNESS, MARTIN S. HARRIS.

Cross-examined by the JUDGE ADVOCATE:

I never went under another name than Martin S. Harris. I never entered the military service under any other name. I have been in one regiment; I was in it about three years and a half. I re-enlisted as a veteran. I do not know what you mean by jumping the bounty. I received a bounty after having been two years in the service, when I re-enlisted about a year ago. The bounty that I got then was authorized by act of Congress—$402. I enlisted in the city of Brooklyn. I got $300 from the city of Brooklyn, and $75 State bounty. I got $375 from the city, and county, and State, and the balance came from the United States. No, I believe that the bounty amounted to more than that; I was paid $290 subsequently. I did not pay any part of my bounty to brokers. I was enlisted by Lieutenant Dougherty, company C, 5th New York artillery. I was mustered in by Captain Larned, 11th infantry, I think; I will not be certain about his regiment; it was the 11th or 12th. I did not apply, while at Andersonville, to Captain Wirz to detail me outside on duty. I am positive that I never wrote him a letter on that subject. I swear positively that I never under any circumstances wrote him a letter asking to be detailed on duty outside. I was captured on the 4th of July. I was not fighting at the time. I have been in many a battle, but not in this country. I have never been in battle during this rebellion. I was captured by Early's advance guard. I had been slightly intoxicated when captured. I was not lying beside a jug of whiskey at the time. There was not a jug or keg of whiskey in my vicinity. There might have been considerable whiskey in me, but not enough to cause intoxication. I know the circumstances under which I was captured. I was captured by Early's advance guard. I was near one of the government buildings. I was lying down. I do not know whether my face was up or down; I was asleep at the time.

Q. Then how do you know the circumstances of your capture?

A. Well, I saw the men who took me.

Some of my comrades were on the other side of the ferry; the command was on the Maryland side—across the river. I was on the opposite side of the river from the principal part of my command. None of my comrades were immediately around me. I cannot judge how drunk I was. I have a distinct recollection about the circumstances of my capture. I first came to consciousness immediately after I was captured. There were numerous rebels in the vicinity, but only three or four captured me. The rebels were all around me at the time they captured me; they were standing in a group; I do not know the precise arrangement of the group. The advance had come up and gone past me before I was captured, and the first thing I knew I found myself surrounded by the enemy. I was sober immediately after I was captured—comparatively so. I was sober enough to know what was going on and to enter into conversation with my captors, to ascertain who they were, and see generally what was going on. I did not express my obligations to them for being under their control. I never did attempt to get away for it was useless. I was immediately put under strong guard and kept so. I have suffered while under rebel control. I suf-

fered immediately after my capture; on the ensuing day I had to march to Winchester. I have suffered from excessive marches and exposure. I suffered at Andersonville. The heat of the sun was a great cause of my suffering; in the exercise of my duties, during the greater part of the day, I was continually exposed to the intense heat. That was the chief cause. I also suffered from diarrhœa. I never suffered from lack of water. The confinement was the principal cause of suffering—confinement and exposure to the sun and sickness. I arrived at New York May 16, directly from Annapolis. I have done nothing since I left the army. I have written two letters to the New York Daily News with regard to this trial. Their purport was a plain statement of facts. I wrote those letters merely to see justice done to a man I thought wrongly accused. I selected the New York News because I was acquainted with the editors; they are personal friends of mine. The editors are Ben Wood and Mr. Peloi. Ben Wood has not been a personal friend of mine a great while. My relations with him are not intimate at all. I state that he is a personal friend of mine because I am acquainted with him, and for no other reason. I do not know that that paper has been in sympathy with the rebellion during this war. I know that the paper has been called a copperhead sheet. I do not know that it has been opposed to the cause of the government during the entire war; I never read it before I saw it here lately. I never did know until recently the character and complexion of that paper. I did not know it before I wrote the letters to it. I do not think that I ever read the paper before I wrote those articles; I don't remember that I ever did. No one suggested to me the propriety of writing to the New York News. I was asked by one of the editors if I could give the public any information as to the state of facts in regard to Andersonville. Mr. Peloi asked me. I have been an acquaintance of Mr. Peloi but a short time. I did not go to him and proffer those articles. He did not come to me. I was calling upon him one evening and he asked me. I was making a social call.

Q. How long had you known him?

Mr. BAKER. I object to this examination as foreign to the case and entirely irrelevant.

Mr. SCHADE. I saw that paper last night, and I find that it is a very loyal paper, supporting the President in all his policy, and I see no reason why that paper should be brought forward before this court as a disloyal sheet.

The JUDGE ADVOCATE. I can understand why you do not see it; I know what your sympathies have been during this war.

Mr. SCHADE. I know that the newspaper press has been attacking this man, and I see no reason why, when he is defended by one paper, objections should be made to it.

The JUDGE ADVOCATE. I propose to pursue this line of examination with all the witnesses.

Mr. BAKER. I have no serious objection to it, but it is irrelevant.

The JUDGE ADVOCATE. It is not irrelevant. The witness's competency is the basis of all his testimony. If we show that he has been himself in sympathy with rebellion, if he has after four years of war, having never been in battle himself, come home and put himself in communication with those who have been in sympathy with the rebellion; if he has volunteered testimony by seeking interviews with the editors of known rebel sheets; if he has published divers and sundry letters to those sheets; if he proffered his services as a witness or has in any way shown his sympathy with the cause of the rebellion, I think it a clear proposition that that witness is more or less incompetent; it is not, therefore, irrelevant to inquire into the facts. It is a question of the competency and credibility of the witness, and I assume to say that there will not be a witness put upon the stand for the defence who has been in the service of the government who will not be sworn to be connected directly or indirectly with those who have been against the country.

Mr. BAKER. I will make the remark that I intend to put upon that stand one of the best witnesses that has been called for the prosecution—that man standing there—(Robert H. Kellogg.)

The JUDGE ADVOCATE. I will believe everything he tells me.

Mr. BAKER. And I believe everything this man tells me. I have not yet reflected on any of our Union soldiers. You are the only person who has done it; when I do it then you may blame me, and I hope if I do it this court will pitch me out of the court-room.

The JUDGE ADVOCATE. When I see a cloud of witnesses come here and testify to the horrors of Andersonville, sending a shudder throughout the civilized world, and then see another witness, their companion and comrade in arms, come here and testify that Andersonville was a place flowing with milk and honey, I immediately suspect that witness, and I am going to attack him under all circumstances and in every way I can, because I do not believe the presumption is in his favor; and I give the gentlemen notice and I give witnesses notice that it is my duty to do it as a prosecutor; I owe it to my country and to the cloud of witnesses who have come here and testified, against whom not a shadow has been raised. The gentleman himself in his cross-examination has not dared to attack their character or impeach their credibility.

Mr. BAKER. What the gentleman proposes to do is all perfectly legitimate, but his manner of doing it does more credit to his heart than it does to his head. His zeal as an advocate is interesting, but as an adviser of this court it does not do that justice to his head and judgment that ought to be done. His zeal carries him too far in attacking witnesses.

Now the court and the judge advocate may just as well understand from the beginning that we claim that those things that have been brought out on the stand as having happened at Andersonville are not all of them facts as touching Captain Wirz, and we intend to do all in our power to substantiate that claim, both in the minds of this court and the minds of the community. We put respectable witnesses on the stand to prove it, and we shall put government witnesses on the stand to prove it. If the judge advocate can do away with the effect of their testimony he has a perfect right to do it. All I ask is that we shall not bring a court of this importance down to the level of a justice of the peace court, where everybody shall be insulted and everything shall be offensive. That is all I ask. I want things conducted properly. It seems to me that the judge advocate lugs in too much offensiveness into his cross-examination, and I wish it could be in some way stopped. I know his heart is good enough and he wants to do his duty, but I think he errs in judgment in doing this thing.

The JUDGE ADVOCATE. One word in defence of my position as judge advocate. The theory of the law is that the judge advocate is the counsel both for the accused and the government, but that theory is exploded the moment the accused selects counsel. When the accused is defended with so large an array of counsel front and rear—how many in the rear I do not know—with gentlemen of talent and ability, that removes from the judge advocate all the obligations he owes to the accused; all the writers say that.

Mr. BAKER. The objection is, going into this matter of rebel sheets, that it is irrelevant.

Mr. SCHADE. Politics should be entirely excluded.

The objection was not sustained.

Q. During the publication of your letters in the New York News, in the interest of this accused, how many times did you see Ben. Wood?

A. Twice, I think; not more than that. I talked with him, on those occasions, but a few moments about this case; I did not talk about anything else; I met Ben. Wood in his office; he did not send for me; I went there to make a correction in the publication of my article; it was on that business purely that I went there. I published two articles in the Daily News—two relative to the

Andersonville affair. I do not know how I came to be subpœnaed in this case. I received a subpœna; how it came about is more than I can tell you. I did not write a letter to the counsel in this case, nor to anybody else; I signed my initials, M. S. H., to the communication I wrote to the News. I wrote for the Brooklyn Eagle an article relative to the Andersonville business; I am not aware that that paper has been more bitter than the News against the government. I have been a long time down south and have not read many papers lately. I had been home a few weeks before I commenced writing letters; probably four or five; the writing of those letters was the first literary labor I performed after I got home; I saw that attacks were being made by the press on Captain Wirz, anticipating his trial; and also, anticipating his trial, I commenced his defence. I consider the Brooklyn Eagle a first-rate paper; it is democratic in its principles. I am not aware that it ever attacked the present government. I pretend to say that at that day I did not know it had been in opposition to the administration. I do not consider it at all remarkable that I selected the News and the Brooklyn Eagle. I knew their complexion. That is what my impressions were concerning the papers; I knew they were not in hostility to the present administration. I did not know anything about them beyond that; I never heard them discussed. I have heard the New York News spoken of; I never heard its character for loyalty questioned. I am not acquainted with the editor of the Brooklyn Eagle, personally; I sympathize with the political views of that paper, and also with the New York News in its present course; that was one reason why I selected those sheets.

Mr. SCHADE. Are you going to try the administration? I object to the friends of President Johnson being tried in this court.

The JUDGE ADVOCATE. One of the last of the President's speeches reported was, "deliver me from my friends;" that is all I can say in reply.

I never did, while at Andersonville, retain for my own use any rations that belonged to the sick; I state this positively. I never did while at Andersonville retain the rations of the sick that would accumulate and appropriate them to my own use. When a man was not able to attend the issue of rations I gave his rations to his comrades; there were three or four in a tent. When a man was not able to eat his ration I would give it to his comrades; I did that almost every day. I never used those rations for my own benefit. I do not remember that I ever wrote any letters to Captain Wirz, or to any other person in command or who had authority, asking for a clerkship; I should state to the best of my knowledge that I did not. I have written to Captain Wirz.

Q. Was it a frequent occurrence with you to write letters outside?

A. There was a letter-box on the dead-line. I never wrote to General Winder at all; I have written to Captain Wirz once or twice. I wrote once relative——

Mr. BAKER. You need not tell what was in the letter.

The JUDGE ADVOCATE. Yes you need.

WITNESS. No, sir; I cannot tell what was in the letters.

I know what one letter was about; it was about that salt business. The other was relative to a man in my detachment by the name of Britton, who was desirous of obtaining a clerkship, and at his solicitation I wrote to Captain Wirz requesting that he be detailed. I do not know where Britton is; I presume he is living; I never heard of his death. Those are the only two letters that I ever wrote. I state positively that I never made such an application for myself while at Andersonville, or while at Millen.

I never did while at Andersonville take any part of the clothing off a dead man for my own use. I took in one instance a blouse to cover a man who was actually naked. He had only a pair of drawers on, and they were in a most filthy condition. I took the blouse off a dead body. That was the only instance I remember. I can state positively I never took clothing off a dead body

but in that one instance, and in that instance I did it for a comrade. I state as positively that in no instance did I take any clothing from the body of a dead man and apply it to my own use.

Q. Did you ever at any time while you were at Andersonville complain to any one of your comrades with regard to the fearful mortality—the great suffering, destitution and sickness among the prisoners in the stockade?

A. Yes, sir; it was a frequent subject of conversation; in fact the only subject of conversation we had was that, and anticipating the time when we would be released.

Q. And yet when you came home, among the first things you found it necessary to do was to enter into a defence of Captain Wirz?

A. What I wrote was this: not denying the horrors of Andersonville, but ascribing them to what, in my opinion, was the proper cause. I never denied them.

Q. You do not to-day deny any of the horrors that have been depicted at Andersonville?

A. Not a particle.

Q. The only question you gave any opinion on was with regard to the responsibility of the parties, and that you state now as positively as you do anything?

A. Yes, sir.

Q. You state that you have not anything to diminish with regard to the horrors of Andersonville as depicted by your comrades here?

A. Nothing at all regarding the facts.

Q. Nothing excepting on the question of responsibility?

A. Yes, sir.

By the PRESIDENT:

Q. On whom, in your opinion is the responsibility?

A. In my opinion General Winder was responsible, and also the prisoners themselves, by their conduct towards each other; the prisoners were responsible themselves in a great many cases for their horrible sufferings there. I never did in any instance treat any of my comrades or any of the sufferers in the stockade improperly; I treated them with as much kindness as lay in my nature. I suppose I am about the average as a kind man. I made a remark to different parties after I was exchanged, that I lived first-rate while I was with the rebel officers and had plenty to eat and plenty to drink. I made that remark at home in Brooklyn. People asked me how I fared down south, and I told them how I fared at Andersonville and how at Millen; and that was the idea I conveyed. Six prisoners comprised the whole force at Camp Lawton last winter. My experience south was diversified.

Q. I want to know whether you ever at any time remarked in the presence of any persons that while you were a prisoner in the south you had plenty to eat and plenty to drink?

A. I remarked that during a portion of my imprisonment I did live well.

Q. Did you ever make that remark to anybody with regard to your living at Andersonville?

A. No, sir; I could not do it; it was not the fact.

Q. Did you in those communications to the New York News make any statements except those that would tend to show upon whom the responsibility rested?

Mr. BAKER. I object to the question. If you have got any writing or anything in print from this man you can present it to him and ask him if he ever made that statement; until you do that you cannot ask him any questions on the subject at all, unless you show that the paper is destroyed. That is the rule and nothing is clearer, and you know it as well as I do, for you have argued on it half a dozen times; I object to the question.

The JUDGE ADVOCATE. The gentleman does not seem to be able to discriminate between rules of law. The law as I understand it is, that when a witness is sought to be impeached he must be asked whether he at any time in the presence of particular persons said a particular thing; if he is to be impeached by his own letter, or testimony, he is to be asked whether he at any time wrote a letter embracing a certain state of facts. If he says yes, of course that ends the matter. If he says he did not, then he can be impeached by his own letter; that is the law. The principle of which the gentleman speaks is not involved at all.

Mr. BAKER. If I understand the object of the judge advocate, from his cross-examination, he intends to impeach this witness by other witnesses who will be called to contradict him.

The JUDGE ADVOCATE. That is my object.

Mr. BAKER. Well, now, when a party wishes to impeach a witness the rule is—and I hope the reporter will take it down, so that we can have the question settled—that you must ask the witness if he said thus and so; but if that language is embodied in writing or in printed matter, then you may produce the writing or printing and ask him, from the reading of it, if he said thus and so. That is the only way you can do it; that is the law, and I will stake my head or reputation on that fact.

The JUDGE ADVOCATE. A letter is the same as a witness, and the letter need no more be brought into court than the witness, at the time the ground is being laid for impeachment.

The objection was not sustained.

Q. You say that your only object in writing those letters was not to diminish at all the representations of the horrible condition of Andersonville, but merely to place the responsibility where it belonged?

A. No, sir; I state that the object of my letters——

Q. You stated a while ago that that was the animus, the intention of your evidence to-day.

A. I had a double object——

Q. I am not speaking of the letters now; you say that you have nothing to diminish or detract from the horrors of Andersonville?

A. Nothing at all.

Q. Your only purpose is to show the responsibility of certain parties?

A. Yes, sir, that is it.

Q. I now want to know whether in the letters written by you to the New York News and Brooklyn Eagle, touching the trial of Henry Wirz, you entered into this case beyond what you now state was your purpose?

A. I said nothing about the trial of Wirz; the trial had not commenced.

I said something about the approaching trial in those letters. I portrayed the sufferings of the prisoners at Andersonville in those letters as fully as I could. The only feature in my letter differing from the statements of the witnesses for the prosecution was with regard to the responsibility and nothing else; that is true of all the letters I wrote. I am an American. I fought in the wars of the Netherlands against the Malay pirates in the Dutch East Indies, in the Holland service—the Netherlands. It was between 1850 and 1852. I was attached to the Dutch navy, not the regular navy; I believe it is something like the East India Company's service of England; they have a naval service under their control. Sometimes I was fighting every night. I came back to America in the latter part of 1852. I was a seaman in the Holland service. Merely the roving disposition which influences every sailor to move about from one part of the world to another induced me to go into that service; I had no patriotic motive, merely a desire for adventure. Love of gain had nothing to do with it; the pay only amounted to eight dollars a month, and that was no inducement; it was merely a roving disposition.

THE CHARGES OF MURDER AGAINST WIRZ.

When I arrived at Andersonville I was treated like all the rest; I could perceive no difference. When we were brought up in front of Captain Wirz's headquarters we were divided into squads of ninety men each. The men of my squad wished me to act as their sergeant. Captain Wirz came to me with a sheet of paper and told me to take the names. That constituted me sergeant of the squad. Captain Wirz did not display any violence of temper on that occasion. I have never seen Captain Wirz display any temper except inside the stockade; he displayed it there frequently. Almost every week or so he would come in on his gray mare, and the men would collect around him by hundreds, and would pester him with questions about exchange. At such times he would go off in a rage. I never saw Captain Wirz draw his pistol on the prisoners; I have seen his pistol in his belt; I never saw him with his pistol in his hand. I am sure of that.

THE DEAD-LINE.

The dead-line was removed about the 10th of September, immediately after the removal of the first detachment of prisoners; it was all taken down, and all restriction with regard to that dead-line removed. That I state positively. After that time there was no shooting on the dead-line until the dead-line was reconstructed. I do not know why it was reconstructed unless it was——

The JUDGE ADVOCATE. If you do not know why, you need not state.

It was reconstructed about the middle of October. There was no shooting to my knowledge after the dead-line was put up. I never saw any man shot; I never knew a man to be shot after the 10th of September on the dead-line. So far as I know there was no shooting on the dead-line. I have heard of prisoners being shot on the dead-line previous to the removal, but I never witnessed anything of the kind. I never heard of men being shot after the 10th of September.

THE SUTLER.

It must have been about the 1st of October that Captain Wirz cleaned out that sutler's establishment; possibly in the month of September; I will not be positive about the date. The sutler was a Jew; I don't know his name. He was not the one who had been there all summer; that was another one. The Jew had been there ever since the time the first sutler left—the sutler who was there all summer. A man by the name of Selman was sutler all summer. Selman may have left with the first detachment that went down towards Savannah. If you narrow me down to the point I will say that it was on or about the 10th of September that Selman went away and this Jew succeeded him. I do not know who appointed the Jew as sutler. He was not in the stockade as sutler during the time Selman was there; I do not know in what capacity the Jew was in the stockade; I never knew the man before; I had no intercourse with him; I never bought a cent's worth from any sutler. Captain Wirz reserved a few bushels of potatoes at the time he cleaned the sutler out. There were onions, tobacco, bacon and some odds and ends in the sutler's tent—red pepper and so on. Captain Wirz reserved only the potatoes—about four or five bushels, I should judge. I do not know what became of the potatoes.

CONDITION OF THE WATER.

The water in the creek was fit to bathe in, but I did not consider it fit to be used for drinking purposes. I did not drink it; I saw the prisoners fishing into this spring that was discovered in August; that was the first time I saw any use made of it. The first I knew of the spring being there was in August.

That drain was built to convey the water into the stockade some three or four weeks afterwards. It was rather later than the first of September when they began to use the water from that spring, it was somewhere between the 1st and 15th, so far as my memory serves me—about the time the prisoners left, not before. It was not after the prisoners were removed to the south side of the brook; the trough and the reservoir were constructed before the prisoners had been removed to the south side, but about the time the greater number of them left. Up to that time the prisoners had not used this spring exclusively; they would fish the water out with a cup or pail.

Under those circumstances I never knew of any of the prisoners being shot; I never heard of any man being shot at that point. I heard of a man being shot there at the brook on that dead-line. I never saw anything of it. That spring was not more than six or eight feet from the dead-line. The spring was not along the edge of the brook, it was about one hundred feet to the north of the edge of the brook, between the dead-line and the stockade, up on the dry ground on the hill-side; there was quite a sharp hill there. There were a great many wells there, but no persons were allowed to use them except those who built them, or had an interest in them. Those who had built the wells, or had an interest in them either by purchase or otherwise, kept the water for their own use. They would watch the well and prevent all except their own company from using it unless they purchased the privilege. The ordinary price was a chew of tobacco for a cupful of water; I do not know what tobacco was worth a pound; we used to pay twenty-five cents for a piece about two inches square, and very thin at that. At that rate I presume tobacco would bring eight or ten dollars a pound. It would not be safe to estimate the price of a cupful of water at twenty-five cents; twenty-five cents' worth of tobacco would last a man two or three days at the rate we consumed it there. We had to be economical; a chew of tobacco was a very small piece; we gave a very small chew for a cupful of water.

THE RATIONS—THE SUPPLY OF WOOD.

All the prisoners except the sick were removed to the south side after their number had been reduced to 7,000 or 8,000. The prisoners were compelled to remove their tents; of course they had the right to walk on the north side; they were not restricted in that way, but all the tents and habitations were removed to the south side. They were compelled to be on the south side at roll-call, and compelled to be there when rations were issued to them. The prisoners were never called for except at roll-call, and if they were absent at roll-call they were punished. The south side was about three-eighths of the whole area, I should judge; rather less than half of the whole. All the prisoners could go on the north side; they could go over there for exercise. That continued until I left, on the 1st of November.

At that time wood was plenty for all purposes; it was not plenty before that time, it was very scarce; there was sufficient wood for cooking purposes; I was sergeant of a squad while I was at Andersonville, and the duties of that position occupied nearly all day; I was never a trader at any time; I never bought nor sold. There was sufficient wood served out; I did not steal wood from the other prisoners; I never deprived any other man of wood; all the camp at that time had all the wood they needed, provided they did not cook any more than I did; every two or three days I would receive a stick of wood the length of a cord-wood stick, and about the thickness of that roll of paper, [pointing,] sometimes not so large. I received once in three days a stick about four feet long and two and a half inches thick; that was sufficient for cooking purposes; I did not cook anything; the provisions were cooked; sometimes I liked them warm; I generally ate them as they were served out from the wagon; during my stay there they were generally served cooked. There were occasional

instances where the bacon would come in raw; the rations were generally served cooked; I do not think there was need of wood: that is the reason there was sufficient wood, because there was no necessity for it, the rations being cooked; raw rations were occasionally issued. The bread, while I was there, was always baked; the beans were always baked; the rice was always baked; there was occasional issues of raw beef and bacon; I could not say that this was true of the whole camp; I attended to my own duty; I do not know anything extensively beyond my own detachment; I do not pretend to state, with any certainty, observations beyond my own ninety.

Q. Was it not a fact that in the crowded state of that prison it was impossible for a man to know, with any certainty, what was going on beyond his own immediate vicinity?

A. Some had greater facilities than others for acquiring general information, those engaged in trade; I was not of that class, and did not make this general observation. I was allowed double rations while I was sergeant of a ninety; that was not the reason why I had enough to eat; I did not eat my extra ration, I never touched it; I paid it for the shelter which I had, to a party in there belonging to my regiment, who had the good luck to have a tent; I had none, and for my extra ration I secured a shelter; I paid my extra ration always for my shelter while I was there, and ate the other ration; I had no more than any other had; I do not say the prisoners had sufficient to eat, I say they had enough to sustain life provided they could eat it. They could not eat their ration always; some prisoners died for want of proper food; I saw a great many deaths of that kind there, for lack of proper food, but not from the lack of quantity; from the lack of proper food a great many did die; I have seen a great many die from hunger because they could not eat the food which was provided for them; raw rations were seldom issued to prisoners who were sick; raw rations were issued to the sick sometimes, but very seldom.

Q. Were cooked rations sometimes issued to the sick that were not fit for them to eat?

A. That was merely a matter of taste.

Q. Then those men who died preferred to die as a matter of taste to eating those rations?

A. The sick, those who had sore mouths, could not eat the corn-bread and——

Q. What made their mouths sore?

A. Scurvy.

Q. And they preferred to die as a matter of taste?

A. They preferred to abstain from that part of the ration altogether.

Q. You use the word "abstain" as you preferred to use the term "delayed" instead of "stopped" in regard to the rations?

A. It is hardly a parallel case; they abstained from the food because it only aggravated their disease. The result of their abstaining from food was that they became greatly emaciated, and in a great many cases death ensued; death resulted from their abstinence from food, from the nature of their food, not from starvation arising from the lack of food. I said salt was thrown over the stockade in quantities to suit purchasers. At the time the salt was thrown over the stockade, the number of prisoners was estimated at 33,000; salt was a luxury at Andersonville; I consider anything a luxury which is very scarce; salt was very scarce at Andersonville; it could only be obtained by purchase; all those who could afford it purchased salt; I cannot tell how many could afford it; there were a great many in the stockade who could afford it, a great many who had money; I suppose about one-third of the prisoners had money. Each one would purchase according to his ability; men who possessed money could purchase enough for daily consumption; each would consume a spoonful perhaps; those who had money had to be economical; a spoonful of salt would be sufficient

for each purchaser; that was the daily purchase; there were more than ten thousand spoonfuls of salt thrown over the stockade daily; I say that I have seen salt thrown over the stockade daily; I pretend to know of my own knowledge about this traffic; I know about this because I have been occasionally walking in the evenings down on the west side of the stockade, and I have seen this traffic going on; I presume it was going on all the time; I do not know except from what I have seen occasionally; I know where the salt came from, it came from the bake-house; I saw it thrown out from the bake-house, but by men——

Q. You say you saw it thrown from the bake-house?

A. No; I want to correct myself as to that; I never saw the salt go in the bake-house, and I never saw it come out; I do not know anything about that; I only know that salt found its way inside the stockade, from men who were employed in the bake-house; I know it came from those men; I know that salt was issued to the bakery to season the bread with; I know that from the rebel sergeants; I did not see it done; I was told so; I do not know of my own certain knowledge that it was.

The JUDGE ADVOCATE. Then do not be so anxious to state it. Have a little regard for your comrades and their honor, and do not try to protect rebels. Do not be so fast to state what you do not know of your own knowledge.

This practice of selling salt was in operation when I went to Andersonville. There was always a great scarcity of salt until Captain Wirz broke it up; he broke it up about the middle of October, and in three or four days it was resumed; we had a little salt, but not a sufficient quantity.

Q. Do you pretend to know of your own knowledge that the suffering inside of the stockade resulted from the conduct of any particular persons outside?

A. I know that the salt was sent in by paroled prisoners. I do not know where the salt came from only from what I have been told; I know the bakers were responsible for salt not being put in the rations; I know it because they sold the salt, that is the best reason I have. It was the general belief in the stockade that the bakers were responsible for the lack of salt in the rations. My knowledge was founded on that belief.

TREATMENT OF THE SICK.

Q. You say that when the sergeant came in there, at the time the sick and others were removed, about the 31st of October, they informed the sick that they might remain, if they desired to do so, and they did remain?

A. They did remain.

Q. Preferring to stay in the Andersonville stockade to being exchanged?

A. Yes, sir.

Q. You state it as a fact that the Andersonville stockade was regarded by them as preferable to an exchange?

A. Preferable to another stockade unknown to them. Andersonville at that time was comfortable comparatively to what it had been. This was after the stockade was cleared out; some of the prisoners staid, preferring that stockade to one that they knew nothing of; some were unable to be removed, but some to my own certain knowledge preferred to remain there—some of my own detachment; they preferred to bear the ills they had; Andersonville was preferable in their view to an exchange of stockade; I do not mean to convey the idea that Andersonville in their opinion was preferable to coming home here in the north; the idea those men had was that they would rather stay there than go to another stockade, of the horrors of which they knew nothing. The actual roll-call only took a few minutes; my next duty was to take the sick out at sick-call; there was an enclosure outside the stockade; I took them out there; some days I would not take out any, and sometimes half a dozen; I

could not say how often I took out half a dozen; not often; very seldom. The sick of my squad did not amount to half a dozen, as far as my memory serves me, not during my whole stay, over half a dozen times. I frequently returned with the same sick that I took to the gate; I generally returned with those that went with me; they would not come back without receiving medical treatment; they were prescribed for by the surgeons who were on duty for our detachment, and in the afternoon I went out and drew the prescriptions from the hospital steward who was there in attendance; I always got medicine for my sick; I forget how many of my ninety died; as many as twenty; about half of them died in the stockade, principally of chronic diarrhœa; they died in their quarters; their comrades and I waited upon them; they had no physicians; the physicians did not come in the stockade, that is, during the greater part of the time; a surgeon never came to my quarters in the stockade; I gave the men their medicine; they were prescribed for frequently; when a man was unable to attend the sick-call I went to the doctor and told him the man was unable to be removed, and he would prescribe for him; I could give a proper diagnosis of the case, or the doctor had seen the man in an early stage of his sickness and he had diagnosed the case; sometimes the doctor saw the men in the early stages of their sickness, and sometimes during the progress of their diseases. The doctor prescribed for them upon my representations; so far as I remember only twenty died out of my ninety; I should not think more than that.

Q. How many who did not die became disabled from sickness?

WITNESS. Do you mean disabled for a time or permanently?

The JUDGE ADVOCATE. Permanently disabled.

A. That I cannot tell, for the sick of my detachment were left behind when when the detachment moved down to Millen. I do not think there were over half a dozen of my detachment left behind; my detachment was full at the time; there may have been one or two short, but the camp had been shortly before reorganized, and it was much more healthy then than it had been previously, and my detachment was nearly full; I do not think it was quite full. The detachment was continually replenished; some were taken to the hospital, or put on duty outside, and others died. Taking into account this replenishing of my detachment, I have commanded in all as many as a hundred and fifty different men. I have accounted for twenty-six who were taken out of the original ninety. Some of the others were detailed, paroled outside; none of them were sick; those who went out were well.

Q. Then the only sick men in your detachment were twenty-six out of a hundred and fifty?

A. I do not say twenty-six; I give the number as near as I can remember; it is impossible for me to state the precise number at this time. I remember that twenty died and six were left behind unable to travel, and that is all I remember about it.

CONDITION OF THE PRISONERS IN THE STOCKADE.

There were two main avenues in the stockade; one on each side. They ran east and west from the north and south gates; and there were cross-streets. Very few of the traders had shanties; very few indeed. The men would have a small table three or four feet long and a couple of feet wide placed upon planks in front of their tents. Those tents would not occupy over six feet square—hardly that; they were all sizes. I would not be positive about their area; they were sometimes under shelter tents and sometimes under two or three blankets. I should think it was between 150 and 200 yards across from dead-line to dead-line. There were not 200 shanties on each side of the street; there were spaces between; you must make allowance for the cross-streets. Some would occupy more space than others. Those avenues were occupied almost exclusively by traders.

STOPPAGE OF THE RATIONS.

The rations were never stopped for the whole camp while I was at Andersonville; they were delayed.

Q. Explain why you prefer the term "delayed" to "stopped?"

A. Because it was owing to the arrival of prisoners; that was generally the cause. We knew this because it was stated to us by the rebel sergeants; that was the only way I knew it. The arrival of prisoners was the cause; we were witnesses of the fact, and we were told that that was the reason; every time the rations were stopped that was the reason assigned, as far as I remember; I do not know any other reason except the arrival of prisoners. The rations were never stopped for the whole camp; I know that because they were never stopped for my squad; I would have been included. There was not a thorough stoppage for my squad while I was there; there would be delays. I call a thorough stoppage when we would lose a ration—when the ration would be lost for the whole. What I call a delay is where the ration was issued the next morning instead of the evening previous. I have had absentees in my squad. I have had men punished in my squad for being absent; they were punished by stoppage of rations; the individual ration was stopped; they only stopped the ration of the man who absented himself, and in no instance was the issue of the whole squad stopped. The ration of those who were not present at roll-call was stopped by the rebel sergeant; he would take the actual number present, and rations for that number were issued, with orders from him not to give the absent man a ration. The time for roll-call would vary; the roll was generally called about nine o'clock; that was the time my roll was called. The actual calling of the roll would take a very few moments. We entered the stockade with ninety men. We lost some of our men the first day; there were some sick and unable to attend roll-call. At the first roll-call I had there were some three or four absent; their rations were stopped; there were men more or less absent from the squad all the time, from sickness and from pure indolence. Men who were absent on account of sickness did not have their rations stopped; the sick were accounted for, but those who were absent from either recklessness or indolence had their rations stopped. I have had men sick in my squad who were not attended to carefully by the physicians. The sick always found it necessary to go to the brook if they were afflicted with diarrhœa. They have been absent at the brook at the time of roll-call. Their rations were not stopped on that account; they were always accounted for; I ascertained that the man was at the sink and reported the fact at the gate, in all cases; that was my duty, and I tried to do it to the best of my ability.

THE SUPPLY OF PROVISIONS IN GEORGIA IN 1864.

I was in the stockade at Millen, or camp Lawton, from the 2d of November till the 21st. I did not apply by letter to General Winder to be detailed; I never told one of my comrades that I had so applied. I positively swear that while I was at Millen I never, on any occasion, wrote a letter to General Winder, or any other commander, asking to be detailed.

Q. How did it happen that you were sent back with General Imboden to Andersonville?

A. Well, the fact is that an exchange was shortly anticipated. I presume that was his motive in sending me back. I was shortly exchanged; I was sent from Andersonville to Vicksburg; I went over in a wagon train. There were four wagons in the train. I went all the way from Millen to Andersonville; across through the country. General Imboden did not accompany me; he was at Brazilia, fourteen miles from Augusta. I did not go with General Imboden; it was by his orders that we were sent across. I arrived

at Andersonville about the middle of March, 1865. I was not put back in the stockade. General Imboden ordered Captain Wirz not to put us back in the stockade. General Imboden was not at Andersonville when we arrived; he was at Brazilia. I did not bring the order with me from him; the order was sent by mail.

VACCINATION.

By Counsel:

I saw vaccine sores in the arms of several men; their arms were in a horrible condition. I never saw any vaccinated; I knew they had been vaccinated because of the nature of the sores on their arms—they were vaccine sores. I did not see any besides those. I never received any order in regard to having my men vaccinated.

By the Judge Advocate:

The arms of those men were in a horrible condition; sometimes the bones were denuded of flesh. That was my observation on the subject of vaccination.

October 6, 1865.

Frederick Roth, for the defence:

I have been in the military service of the United States—in the 2d New York cavalry. I was captured on the 19th of October, 1863, near New Baltimore, Virginia. I was taken to Richmond, Belle island, and from there to Andersonville. I was at Belle isle five months. I was taken to Andersonville about the 20th of March, 1864. I left Andersonville on the 9th of September, 1864. I was inside the stockade all the time, except when I would get out for wood.

CONDITION OF THE WATER.

In some places the water was very good. In other places the water that ran through the brook was not fit to drink. There were wells and springs in the stockade. There were not enough wells in proportion to the men. I should think there were about 400 of different kinds. The springs were mostly along the swamp. In half of them the water was not fit to drink, on account of the maggots that ran all over the swamp into the water. In the wells that were deep—seventy-five feet deep—there was good water for any one that could get it.

THE RATIONS.

For the first two months that I was there we got more meal than we could use. We had it there by bags full. For the last three months that I was there we had not enough to eat in what was issued to us. I know of the rations being sometimes very deficient. They would be so because some of the detachments that were not full drew just as much rations as the detachments that had their full complement. The sergeants generally drew, if they could, for their whole squad, accounting for the men some way or other. A good many drew double rations.

CHARGES OF MURDER AGAINST WIRZ.

I recollect seeing Lieutenant Davis first the day I left Andersonville—the 9th of September, 1864. I think he went in the same train with us. I did not see him till I got to Savannah. I never heard, while at Andersonville, of Captain Wirz killing or shooting or beating or kicking men to death. I heard of it since I came to Washington. I have heard him curse men and threaten to shoot them.

TUNNELLING OUT.

I never was engaged myself in tunnelling. I have watched the tents while the men of my regiment were working on tunnels. There was some tunnelling going on all the time.

CONDITION OF THE PRISONERS IN THE STOCKADE.

The first part of the time the biggest part of the trading was done by the post adjutant. He had a man inside selling for him. I have seen men going into the stockade and trading. The men traded with the guards in day-time and at night. There were a good many stores at Andersonville. Men could buy almost everything there as in this city, if they had the money. Of course, there were a few things which could not be bought there. I did not know of any eating-houses there. There were places where they sometimes boiled eggs and fried eggs, with meat which they bought from prisoners, or the quartermaster, or stole. I cannot say that there was much money in the stockade. I know that I did not have much. This adjutant used to bring in a good deal of salt, and the guards would sell it in small quantities, in haversacks. I never saw any of the outside prisoners trading or selling to those inside the stockade.

Cross-examined by the JUDGE ADVOCATE:

I was fifteen years old when I entered the service. I had been in the country fourteen years when I enlisted. I was born in Germany. I never got any bounty. I did not re-enlist as a veteran. I joined the 21st New York infantry in 1861. I remained in that regiment 11 months. I had my arm broken in two places when I was in that regiment. I was never rightly mustered into that regiment. They had the full complement of drummers. I took no French leave from the 21st New York regiment. I was not mustered in right. For the last four months I got no pay, and so I left. I was mustered in on pay days, but for the last four months I got no pay. I did not desert; I left. I entered the service again in 1862. I was 16 then. I had gone to work in a factory, but did not like it; and then I thought that as I had seen the commencement of the rebellion I would see the end of it Captain Buell was recruiting in Troy for the 2d New York cavalry, and I enlisted. I was not a musician in the 2d New York cavalry. Captain Buell enlisted me as a bugler, but I only bugled for six months. I was a private. My arm was broken in the regiment I was first in. I can hardly say whether my arm was still disabled when I entered the second regiment. The doctor examined me in Troy, and said he guessed I would do. I was captured in a fight. There were 250 or 300 captured with me. Forty of my own regiment were captured. The biggest part of those captured staid in Richmond.

CONDITION OF THE WATER.

The water of the brook that ran through the stockade was not fit to drink. The biggest part of the men had to drink it, because they could not get any other I have been dry myself and would not drink it, because I did not like it. Sometimes the men who had wells would give me a drink, and sometimes they would not. It depended upon their charity and their disposition to give to me. The water in the spring near the swamp was not fit to drink. The swamp overran with all kinds of filth. In some of the springs higher up there was good water. The water in the springs close down to the swamp was about the same as the water in the brook. About one-third of the springs yielded good water. The springs would supply some of the prisoners in the stockade only. They could not get much water at a time, as the hole for each well was very small. They would have to wait until the water came again in the hole; others they could get a pailful out of. With the springs and wells together, nearly one-half of the prisoners in the stockade could get good water, and the rest would be compelled to go without it, unless their friends who had wells would allow them to get it. I suffered some on account of the water. I have been hot and dry, staying in the sun without shelter, and have gone down for a drink. The

scum on the top of the water would be like as if there was liquor thrown on it, and I would have to wash it off or dip under it. The water would not smell, but it would not taste good. I would not like to drink it. We could see by standing on the hill that the people in the cook-house would empty slops right into it. We knew that was the way they did it. The slops from the rebel camps above went into the brook. It was pretty bad water to drink.

CONDITION OF THE PRISONERS IN THE STOCKADE.

I suffered from hunger and exposure at Andersonville. For two weeks I did not think I would ever see Yankeedom again. I am not as strong now as I was when I was taken to Andersonville. The diarrhœa that I had there for two weeks affects me still.

I had nothing to eat some part of the time while I was at Andersonville. I should judge that that was true of a good many in camp, except those who had lots of money, or who carried on trade or business. Those who had money had the best chance to trade. If a fellow with only one or two dollars was trying to trade with a confederate, some other fellow would come up and offer more and get it from him. Those traders ruled the camp pretty much. I had not money much to buy from the traders, and they did not do me either harm or good. They did me harm in one way—that, if I had a lot of money, I could buy from the guard, whereas these follows who had so much would come and offer more than I.

Q. Could they not hurt you also by buying things that ought to come to you regularly?

A. I do not know that I would have got them if they had not bought them. I cannot think of any other way in which these traders injured me. After the regulators were got up, these traders put on airs a good deal. The regulators put on some style there. I do not know that the regulators went about with their whiskers died, but they drew four times as much rations as the other men. Some of the regulators were looked upon as distasteful as the raiders. The biggest part of the camp were down upon them. Some of the speculators joined the regulators. The speculators, regulators, and raiders were about the same thing.

I saw a good deal of suffering in the stockade. I saw some men lying near the swamp; they would crawl down as near as they could. If they went near a tent they would be clubbed away down into the swamp, and then some of them got so that they could not stir, and they would lie down at the swamp until they died. Some had scurvy, which drew them up like a cripple. They could not stir, unless some one would help them. There were some who had not enough to eat, and who would go around and pick up the crumbs from the wagon that came in with rations. After the regulators were got up they would hit a man who would do that. They didn't care whether he was sick or not. I never saw Duncan strike a man. I never saw Duncan drive away men who wanted to get crumbs in that way. I had not shelter at night except one month of the time while I was at Andersonville. The first month or two I was allowed to go out for wood, and I sheltered with two men who were with me, but after a good many prisoners came there they sold their tent and ground for five dollars, and I was knocked out of the tent. The same two men would get out and get some more wood, and I gave the guard some buttons to take me out, and we got some slabs and built up another house, but I could not lay down anything in it, for the crowd was so bad that they would steal anything as soon as I would take my eyes off it.

I cannot recollect how many died out of my 90. I know that some died. I know that about 800 left Belle Isle with me, and about 500 of them died at

Andersonville; several died on the way there, or as soon as they were put in hospital.

The biggest part of the trade was going on while Adjutant Selman was at Andersonville.

By the COURT:

I had on my jacket, pants, cap, and boots when I was taken prisoner. I took the same clothing with me to Andersonville, except my jacket, which I sold at Belle isle for a piece of bread. The regulators drew about two loaves of bread, while the rest of us drew only half a loaf; and they drew enough meat to make six or eight rations. They had what they called the temple of justice, where they flogged men. There were about 700 hundred of them, I think. I think they all drew that extra ration; I am not certain, but I have seen them drawing it.

By the JUDGE ADVOCATE:

That temple of justice was run by the regulators. They could have the men punished just as they pleased, upon complaints made by them and evidence given by them. I had no money when I went to Andersonville.

VACCINATION.

I had seen some men who had been vaccinated at Belle island, and gangrene had got into the wound and eaten the flesh off. I could not exactly say that I saw these men at Belle island, but that was where a good many of them were vaccinated. When I would see them I asked them and they would say that they were vaccinated at Belle island. I did not see any myself vaccinated at Andersonville; they might have been vaccinated every day.

THE CHARGES OF MURDER AGAINST WIRZ.

I do not know anything about Captain Wirz, except that for the first month or two he would come in and call the roll. Captain Wirz would curse and damn men because they would sit down, or would not stand up long enough. Some men would have to go off about their business, and if he was not there just at the right time Captain Wirz would send him outside. I do not know what was done with them, but some said they were put in the stocks or bucked and gagged. That is all I know about Captain Wirz. I never saw Captain Wirz lay hands upon any one. He used to have a pistol in his hand most of the time, and he would make the men stand in line. I cannot say that I ever saw him make sick men stand up in line.

STOPPAGE OF RATIONS.

The squad that I belonged to got no rations on the 3d or 4th of July; I know that I did not. I don't know how the rest of the camp were off in regard to rations on those days. I think some of them got it, but others did not. None of the detachments right by me got any rations. Once before, in the month of April or May, rations were stopped for one day on one side of the creek, while the prisoners on the other side of the creek got the rations. I saw Captain Wirz the first time he called the roll. I think the rations were stopped once in April, because the men broke ranks; the men on one side staid in ranks, and on the other side they did not. I saw he gave the men on one side their rations and did not give any rations to the men on the other side. There were only about ten thousand prisoners there then.

EFFORTS OF LADIES TO RENDER ASSISTANCE TO THE PRISONERS.

OCTOBER 6, 1865.

Miss MARY RAWSON, for the defence:

I reside on the plains of Dura, Georgia. I have been at Andersonville, I

cannot say exactly how many times, while the Union prisoners were there. I commenced going in January, 1865. I generally went about once every two weeks. My object in going there was to feed a prisoner. I saw Captain Wirz sometimes when I went there. I was there in the month of March, 1865. I had on a brown dress. Captain Wirz never at any time refused or denied me any privilege of taking things in to prisoners there. He was always agreeable, and told me I could bring anything in to the prisoner I was going to see. I had one particular prisoner I was going to see. When I first went there I met Captain Wirz at the depot. I thought then he was a colonel. I asked him if I could visit a prisoner who was sick. He told me I could. At that time he gave a pass to one of the paroled men in the office. I used to tie up a bushel basket and leave it, and my prisoner said that that would last him two weeks. After two weeks I would go again. The captain always recognized me and asked me if I was going to see my prisoner. I would say "Yes," and I would carry another basket up and leave it. He never refused me. He generally treated my prisoner, as I called him, very courteously. He gave him the only chair in the room, and I sat on the bench. I never heard of Captain Wirz treating any other lady, who went there, in an unkind way.

Q. Tell the court about the ladies getting up something for the benefit of prisoners there, if you know anything about it?

A. That was before I was at Andersonville at all.

The JUDGE ADVOCATE. Then you know nothing about it.

WITNESS. I shall not tell anything but what I do know.

The JUDGE ADVOCATE. I understood you to say that it was before you went to Andersonville.

WITNESS. Yes, to feed this prisoner.

Mr. BAKER. I object to the judge advocate cross-examining my witness until I get through.

The PRESIDENT. The judge advocate has a right to ask for information on which to base his objection.

Mr. BAKER. If he has a right to ask questions at every step of my examination, I need not go on. I am perfectly willing that the judge advocate shall examine the witness.

The PRESIDENT. Very well; if you are disposed to take your seat, do so. If there is any more of this kind of by-play, I think the court will ask the judge advocate to examine your witnesses.

Mr. BAKER. I am perfectly willing to let him examine this witness, because that it is so little that I want to get out of her.

The PRESIDENT. The judge advocate will examine the witness.

The JUDGE ADVOCATE. I have no questions to ask her.

The PRESIDENT. Let the lady stand aside.

Mr. BAKER. I have a question to ask her.

The PRESIDENT. This is all very puerile and very babyish.

Mr. BAKER. I am very indifferent about it. I have got the main facts out.

(By the JUDGE ADVOCATE.) My charity was confined to one prisoner there. His name was Peter Kean. He belonged to the 16th Iowa regiment. He was a private soldier in the stockade.

THE SUPPLY OF LUMBER.

OCTOBER 6, 1865.

EDWARD RICHARDSON, recalled for the defence.

I live at Albany, Georgia; 45 to 50 miles from Andersonville. I have been at Andersonville a great many times, perhaps 15 or 20 times.

Q. Do you know anything about saw-mills around Andersonville, or on the road from your place there?

A. There were three, I think, or say four. The fourth one was put up in 1863. They were sawing lumber for the government mostly in 1864. I tried to get lumber for myself to put up a small building, and could not obtain it.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

I never saw Union prisoners being searched. I saw eight car-loads of prisoners come in at one time. They were moved there from Alabama. They looked to be very ragged and very dirty, and there were some sick among them. I never saw them searched, and never saw them after they left the railroad.

THE CHARGES OF MURDER AGAINST WIRZ.

I was at Andersonville once every week or two. I never saw or heard of Captain Wirz shooting or kicking or injuring any prisoner there, so that he died.

Cross-examined by the JUDGE ADVOCATE:

I did not do any business at Andersonville. I went there for pleasure. I had some friends in Connecticut, and I wanted to see if there were any of them among the prisoners. My observation was confined mainly to what I saw on those occasions; I used to go around with them through the stockade and into the graveyard and dead-house. I staid there about two hours. I went there sometimes every week. All I know about this case is what I have stated.

THE SUPPLY OF LUMBER.

By the COURT:

The saw-mills I spoke of were between my house and Andersonville. There were two or three off the road at some distance; I think four or five miles from the road. Not in the same direction, off the railroad. My house is south-west from Andersonville. I know of saw-mills north of Andersonville. I know I used to see them often when going through to Macon. There were no saw-mills east of Andersonville that I know of. There were no saw-mills west of Andersonville.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

OCTOBER 6, 1865.

Rev. E. B. DUNCAN, for the defence:

I have lived for the last few years in Florida. Previously to that time I lived in Tennessee; I am a Tennesseean by birth. I am a minister; a Methodist. I have been preaching in Florida for the last two years to the confederate camps in Florida; I was a missionary. I have been in northern Alabama during this war, and also in the neighborhood of Fort Donelson. I had a circuit which embraced Fort Donelson and Fort Henry. I was at Andersonville, Georgia. My object in going there was to preach to the Florida troops at Andersonville. My mission was to the Florida army. I preached to the prisoners in the stockade. My pass, I believe, dates the 31st of July, 1864. I preached in the morning to the Gamble artillery, from Tallahassee. I was to preach that evening at 4 o'clock in the stockade. I went to General Winder, who was then in command, to get a pass, and he referred me to Captain Wirz. Captain Wirz had gone home, which was about two miles off, they told me. Next morning, the 1st day of August, at 10 o'clock, I called at Captain Wirz's office; I told him that I wished permission to preach in the stockade. He granted me per-

mission, and gave me a pass to go in at will. He told me what would be the best time to go in, and mentioned the roll-call, the sick-call, and the rations. He told me it would suit me better at that hour. I went in that morning and preached to the prisoners. I took in a paper which I was permitted to take in, a Macon paper, which had in it a piece respecting the exchange of prisoners. I went in with a great deal of pleasantry and met a good many of them at the gate. They had come out to sick-call. Said I, "Men, I have some good news for you in this paper, and I have some better news to tell you after you hear this." They said they would hear both. I told them I wished to preach to them. I did so, and they stopped me every ten steps to have the piece read respecting the exchange. I was very much broken down myself. My lungs were weak and I called on several of the prisoners to read it. At last I got to the middle of the stockade, where Captain Wirz told me it was most suitable to preach. It was near the sutler's shanty, I think. They put me out a box, and I told them that if they would gather around, I would preach as loud as I could. They did so, a larger congregation than I could see. I could not see the extent of my congregation. It rained upon me twice while I was preaching, but no man left. I had great liberty in preaching. I would say further that my pass was given to go in at will; and last February I preached again at the stockade and in the hospital on my old pass. Captain Wirz's manner towards me at that time was very gentlemanly. He gave me every assistance. I only spent a moment in his office. He was a business man, and I was also of the same order.

CONDITION OF THE WATER.

I got water in the stockade. I drank some good water there; as good as I found in upper Georgia. I was very thirsty after preaching, and I mentioned that I would like to get some water; but calling to mind that the water might not be good, I thought I would not drink until I got out. Some of the men said they would get me some water, and they went out and got a bucket full of very good water, at which I was very much astonished. It was an exceedingly hot day, and I was very thirsty, and I thought it was the best water I had met; so much better than I might have expected.

VACCINATION.

I heard something about the spurious vaccination in our army in Florida.

THE CHARGES OF MURDER AGAINST WIRZ.

I preached to the Union soldiers at Andersonville on the 1st day of August, 1864, and also in February, 1865. I was there about a week each time. The last time I was there it was very cold weather. I did not go into the stockade until Saturday, which was the first warm day suitable for me to preach. I did not circulate around much; it was very cold weather. I was with our Florida troops and preached to them every night. When I was there in August I circulated all the time. While I was at Andersonville I did not know or hear of Captain Wirz shooting, killing, kicking or otherwise injuring a prisoner; I heard nothing on that score.

Cross-examined by JUDGE ADVOCATE:

I was at Andersonville the first time about a week. I was not in and out at headquarters; I only went to headquarters one evening. I saw Captain Wirz only once while I was there—when I went to get the pass to go into the stockade. That was the 1st of August. He did not go in with me.

CONDITION OF THE WATER.

I got a drink of water while I was preaching; I went into a shanty and sat down and talked with the men. I do not know where the men got the water

they gave me. They were not gone for it a great while. They brought it in a bucket. I did not notice particularly what kind of a bucket. It looked clean and there was a dipper in it. The men were very kind to me indeed.

Q. You say that at first you thought you would not ask for water; why?

A. I called to mind that I would not be likely to get good water there; and I thought I would wait till I got outside. I do not know how I was reminded of that fact particularly. I had understood that there was a good deal of suffering there. I knew there was a good deal of suffering there. I did not know anything about the water, but I judged from the general character of the place that it might not be good. I thought I could not get as good water there as I could outside. I did not expect to get as good water there as I might get outside. I saw the branch there, but I did not know anything about the water. I was thirsty, but still I thought I preferred waiting for a drink till I got out. They said they could bring me some water, and they went off and brought me some. I do not pretend to know where they got it.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

I did not introduce my sermon by reading a Macon paper. I did not read the paper. My lungs were weak, but I asked that some of the men who had strong lungs should read it. I mentioned that I had some news which I was permitted to read in the stockade. And the next important thing was the question of religion. The object of my visit was to preach to them. My object in going into the stockade was to preach to the prisoners. My mission to Andersonville was to the Florida artillery, whom I had been preaching to in Florida. I was not commissioned by the rebel government. I never was connected with the rebel service. I am a non-combatant. I was connected with the conference. I was connected with the Methodist church south. My sympathies were with the rebellion. I was with the country—with the South, with which I was then identified, although at the outset I thought that a secessionist ought to be hung as a traitor. But when my State, Tennessee, went out, when we were plunged suddenly into revolution, I took position with my State. I was identified there; but still I followed my own calling as a minister, and still held my connection with the Tennessee conference. I am a man of peace. I preached to souls everywhere —to federals and confederates. I do not know that I ever suggested to my hearers south that treason was a crime. We generally preach the gospel down there. I never thought that the gospel had anything to do with the question of government. On that question I am "subject to the powers that be."

Q. You regarded the "powers that be" in Tennessee as superior to the powers that be in the general government?

The WITNESS. Is that question proper?

The JUDGE ADVOCATE. Yes, sir; it is very proper.

The WITNESS. If you wish to have my record I can give it to you.

The JUDGE ADVOCATE. You are at liberty to refuse to answer any questions that might tend to show you committed the crime of treason.

The WITNESS. I stood identified with the southern people during that time. Since that time I have been "subject to the powers that be," and I expect to be. I think that should be a sufficient answer to the court.

Mr. BAKER. We should not have so much irrelevant matter brought into the case. It is clearly illegal and I object.

The JUDGE ADVOCATE contended that he had a right to test the credibility of the witness, and to impeach his character, by asking such questions. The witness might decline to answer them on the principle that he is not bound to disclose the fact that he has committed a crime.

After deliberation, the objection was overruled.

The WITNESS. I never took the oath of allegiance to the rebel government.

I was never connected with the army in any way, and never took an oath of allegiance. I followed my calling.

Q. Were ministers required to take the oath of allegiance to the southern confederacy?

A. I never knew of anything of the sort. It was cold in February, 1865, when I was at Andersonville. I said it was cold, and that I waited for the first warm suitable day to go into the stockade to preach. It was because I was to preach out of doors. There was no house for me to preach in. In the mean time, however, I called to visit the federal hospital, and I told the prisoners there that I would preach before I left. It was not suitable then to preach. I preached in the morning at 10 o'clock in the stockade, and then I went round to the hospital. I found some of the convalescents playing ball, and I said to them, "Men, I promised some of you that I was going to preach before I leave, I am going off at 12 o'clock to-day, and I will preach now." I commenced singing and then preached to them. They gathered around me and I had a very attentive congregation.

Q. What day of the week did you arrive at Andersonville?

A. I was at Macon on Saturday and went to Andersonville that night. On Sunday I preached to Dyke's artillery. On Sunday night it was so excessively cold that I could not preach in the camp. I remained there till the following Saturday. In the mean time I went into the country and endeavored to interest persons respecting the prison there. It occurred to me that prisoners were dying daily in there, and I had a heart to visit them. I had a body to do it. I could not do everything. I am known as a man of great energy. I waited for a good day in order to have a good attendance. I do not feel culpable. Had I been contiguous to them I would have visited them all the time, as they begged me to do. I wrote a letter to Captain Wirz since he has been a prisoner here. I suggested that I might be valuable to him as a witness. I wrote at the suggestion of some of the most intelligent and pious men in Macon. I had mentioned the circumstance of my being treated kindly there. I had heard of the trial, and they suggested that I should telegraph him. They said that he ought to have a fair showing, or something of that sort, which I thought myself. If he had murdered a man let him die for it, or if he had murdered a thousand men let him die a thousand deaths. I want to have justice done. I came on to visit my mother and friends in Tennessee, and there I wrote the letter.

Q. Then you came here only to submit those facts which you have presented to the court?

A. That is all. The facts are that I had one interview with Captain Wirz, and that he permitted me to go into the stockade.

Q. Were those the only facts you mentioned to your friends?

A. I gave a narration of my visit to Andersonville, and my kind reception there. I told them that Captain Wirz had given me a pass to go in at pleasure. That is all I certified to them.

Q. And you came on to certify that here?

A. I came on when I received your subpœna—in response to the subpœna. I was not particularly anxious to come; I am always on the side of any one impugned, and I wish every man to have what is his due.

Q. And you thought that the experience you had of Captain Wirz one day might serve to defend him against what he is charged with doing throughout a year?

A. No, sir; I thought that what I had to say might contribute a mite in the scale. I did not know whether my expenses would be paid. When I received your summons, as I am obedient to the powers that be, I came here. I do not recollect that I said in the letter that I would come on if I was provided with transportation. I may have done so. I know that my money is very scarce, for it is very expensive travelling up the country.

THE SUPPLIES FROM THE NORTH.

OCTOBER 7, 1865.

Captain C. M. SELPH, re-called for the defence :

I have been at Richmond as captain in the inspector general's bureau for the last four years. I had nothing to do with any goods sent to prisoners at Andersonville from the north, but I superintended the distribution of goods sent to Richmond in the winter of 1863 and 1864. The distribution of the clothing sent by the government and the sanitary commission was in charge of a committee of federal officers; they had entire charge of it. They inspected the prisoners, selected those who needed clothing and distributed it to them. On one occasion the committee came to me and said that some of the goods were stolen. I requested that a detective might be sent to them, which was done. The detective found some goods similar to those sent by the United States government, arrested the parties in whose charge they were and had them brought before the mayor's court of the city of Richmond.

Q. Do you know about goods being sent south and anything about their being broken open on the cars or in any other place ?

A. Yes; I remember a parcel I had sent to Lieutenant Colonel Medill, I believe of the United States army, at Columbia, South Carolina, who afterwards wrote me a letter through the mail, stating that the box had been broken open and its contents taken out before it reached its destination; that the box arrived there seemingly intact, but that the contents were wanting; it had been opened and nailed up again. I do not know of any difficulty at all in transporting goods south in respect to their being broken open. They were frequently broken open. I do not know what class of persons would generally do it. It did not come under my observation. I knew something of the kind in relation to goods belonging to our own army. Goods sent to soldiers of General Lee's army were broken open; I remember once receiving a communication from General Lee's chief of staff on the subject. It was the general understanding that it was done to a considerable extent or very generally; I do not know it of my own knowledge.

By the JUDGE ADVOCATE :

I know nothing at all of the transit of sanitary stores to Andersonville; I had nothing whatever to do with it.

VACCINATION.

By COUNSEL :

The brigade to which I was attached as assistant adjutant general at Vicksburg was vaccinated, and men who had the small-pox recovered and were on duty before those who were vaccinated reported for duty. I never saw any of the men; I only had official reports, except in the case of General Taylor himself, whose arm was much swollen, and there were sores all over his body. I know something as to the scarcity of vaccine matter in the confederacy; there was a great scarcity of it even up to the month of February last. Even in Richmond I was not able to get any vaccine matter for my own child until the month of March. They had vaccine matter, but were afraid to use it; it was not safe to trust it

Cross-examined by the JUDGE ADVOCATE :

It was in the beginning of the year 1863, in January, that I knew of those results from vaccination. I do not say it was spurious vaccine matter; I do not know that it was. It was vaccine matter that led to those results. I do not describe its effects as worse than the small-pox. Those who had the small-pox recovered and reported for duty before those who had been vaccinated were fit

for duty. The physicians refused to vaccinate my child because the vaccine matter that they had was impure. It was not generally understood that I know of; I only know those particular facts, nothing else. That was not the generally understood condition the vaccine matter was in, to my knowledge; I never heard anything of it except on the two occasions I have mentioned. All I know about vaccination is from the observations that I made on those two occasions.

COUNSEL FOR THE ACCUSED ASK A FURTHER ADJOURNMENT OF THE COURT TO ENABLE THE DEFENCE TO PREPARE THEIR CASE.

Mr. BAKER. There are no other witnesses which I have fully ready to-day, and as I have but four or five witnesses who have been here any length of time, I thought I would ask the indulgence of the court for an opportunity of examining them preliminarily. They will be important witnesses, and it will require some time for me to sift their testimony so that I can present it to the court in a condensed shape. I understand also that some three or four witnesses have come in within the last 24 hours, but of course I do not know anything about them until I have a chance to see them I have endeavored this week to sift all the witnesses that have been here for any length of time and to discharge such as were not very material, and to prepare the case in every way so that I could properly ask for a little adjournment without having too many witnesses here on expenses. We have now only eight or ten witnesses here that I know of, and during the recess, if I can be permitted to have one, I shall try to ascertain if there are any witnesses subpœnaed who will not be absolutely necessary, and if so I will have telegrams sent to them not to report. In that way I think, after a few days' adjournment, I can appear here with the defence prepared so that after we again commence we can close the examination of our witnesses in a very few days.

The PRESIDENT. What time do you think you will occupy?

Mr. BAKER. If the judge advocate does not take more time in his cross-examination than I do, I will close the defence, I think, in one week's time after we commence; that is, close the examination of witnesses. If we stumble along as we have had to do this week it will take us fully as long and perhaps longer, and it will not be near as agreeable or satisfactory to the defence; I ask, then, as I have worked very hard this week to get along, that the court will indulge me with a few days' adjournment, say three or four days. If they can adjourn until next Thursday I will be prepared, and will ask no more indulgence from the court, and I think that by that day week I can close the examination.

The JUDGE ADVOCATE. I have nothing to say on this point; I deem it a matter entirely within the discretion of the court, with which in this instance I shall have nothing to do.

The PRESIDENT. The only object in granting this time to Mr. Baker will be to shorten the proceedings of the court.

Mr. BAKER. I think it will actually do that.

The PRESIDENT. You probably know more about that than any one else. Can you state the time in which you can conclude if such a recess be granted.

Mr. BAKER. I say that if the judge advocate does not take longer time in his cross-examination than I do in the examination in chief, I am satisfied that I can close it in one week's time after we again commence.

The PRESIDENT. The court seems to be willing to give you till Wednesday at 10 o'clock.

Mr. BAKER. I wish they could give me another day; I do not see how I can get through otherwise; that will only leave me two days.

The PRESIDENT. Counting Sunday, three days.

Mr. BAKER. I state to the court that I have other business which I must attend to to-day and to-morrow. I have worked every Sunday since I have

been in the case and would do so to-morrow, but I must do something else to-morrow. If the court will give me till Thursday, I will ask no further indulgence of it.

The JUDGE ADVOCATE. I will make a practical suggestion for the purpose of indulging the counsel, and at the same time doing our duty to the government; it is that the court adjourn till Thursday, and that after that, there being no hindrance on the part of the counsel in taking preliminary statements, we sit without regard to hours. We can make up the time we now lose in a few days by sitting even one hour longer a day.

A MEMBER of the COURT. Commencing at 9 o'clock and sitting till 3.

The JUDGE ADVOCATE. Or by meeting at 10 and sitting till 4 or 5. The court will have a rest during the preparation of the arguments, and in that way we can make up for lost time and accommodate the gentleman; I therefore take the responsibility of assenting to what he proposes.

Mr. BAKER. I am willing to sit here as many hours as you please.

ARGUMENT UPON THE QUESTION OF CALLING ROBERT E LEE, JAMES A. SEDDON, ROBERT OULD, AND OTHERS AS WITNESSES FOR THE DEFENCE.

The JUDGE ADVOCATE There is one other point which I desire to submit to the court. During the progress of this trial I have sought to exercise as properly as I knew how the discretion placed in my hands by the court upon the subject of subpœnaing witnesses. Some witnesses who may properly be termed rebel functionaries have been subpœnaed by me inadvertently. I have signed such subpœnas made out by my clerk, with great haste and without noticing the fact. Others were subpœnaed by me deliberately, but upon further consideration I deemed it my duty to revoke the subpœna. This remark applies to a certain class of witnesses which the court will understand; it embraces men who have been leaders in the rebellion, such as General Lee, Mr. Seddon, Mr. Mallory, Surgeon General Moore, Commissioner Ould and others. My action in that matter I have based upon what I believe to be the law, without consultation, acting upon my own judgment and the discretion which I thought placed in my hands. I desire now to submit to the court my reasons for so doing, that the counsel may enter his protest or his reasons, if there are any, why the court should take the matter out of my hands and direct me to do otherwise.

I desire to call the attention of the court to some decisions and opinions with regard to certain propositions of law applicable to the question now submitted as to the competency of certain classes of witnesses asked for by the counsel or the accused.

I have no desire to exclude any evidence proper to be placed on record in defence of the charges here laid, nor in any way to abbreviate or detract from the evidence in that direction; but there are reasons good in law and fact for excluding certain witnesses and a certain class of testimony, which I think sufficient to justify the course of the government in this particular.

In 10th Johnson, page 95, it is decided "that a party in the same indictment cannot be a witness for his co-defendant until he has been first acquitted or convicted, whether they plead jointly or separately."

Again, Addison's reports, page 353, "If circumstances are proved from which it is possible for the jury to presume facts amounting to guilt, a defendant in an indictment cannot be a witness."

Again, in the case of the State *vs.* Alexander and others, 2d Rep. Con. Ct., page 171, it was decided, "Where the evidence against one of the defendants was not sufficient to convict him, the court refused to strike his name out of an indictment for the purpose of making him a witness for others without the assent of the Attorney General, though they might advise his acquittal."

In the text, 1st Starkie's Evidence, page 130, 6th American edition, we find,

"Where the evidence is of such a nature that an acquittal would inure to the benefit of either in a joint indictment, one is incompetent as a witness for another; thus an accessory before or after the fact would be incompetent as a witness for the principal, and a co-conspirator would be incompetent to discharge his associates."

A distinction seems to be made between accomplices, accessories before or after the fact, and co-conspirators; the first named, viz., accomplices, are competent witnesses for their associates, though they be severally indicted for the same offence. (Starkie, 2d volume, page 11, 6th American edition.) The last named, to wit, accessories, and co-conspirators, as we have seen, are incompetent. (Ibid, 1st volume, page 130.) But in 2d Hale, page 180, several cases are cited, showing that the text in Starkie is not quite accurate, where it makes accomplices competent, as his proposition is not true where the offence is joint.

Without arguing propositions so clearly stated as these, I think it is safe for the court to conclude that:

1st. All principals in the first degree, that is, those who directly perpetrate the act, are incompetent.

2d. Principals in the second degree, actually or constructively present, are incompetent.

3d. Accessories, before or after the fact, whose conviction the evidence evolved will warrant, or against whom sufficient circumstances point to guilt, are incompetent.

4th. All co-conspirators are incompetent, and this is true in all these cases, whether the parties be named or not in the indictment, so that the proof is sufficient to connect them as above stated with the offences alleged. Again, I assume that there is not one of the prominent rebels whom the counsel asks to subpœna as witnesses who will not be compelled to answer on his *voir dire* that he has committed treason against the United States. His confession in open court, according to the Constitution of our country, is equivalent to the testimony of two witnesses; he stands, therefore, convicted of the highest crime known to our laws, and all that is wanting to render him infamous is a formal verdict. I say, therefore, he is incompetent.

Again, this rebellion has been one gigantic act of treason, one common conspiracy to overthrow our government. Not a single rebel engaged in it, according to the strict rules of law, is a competent witness for another on trial, charged with treasonable offences; as he is an accessory before or after the fact, or a co-conspirator, or an accomplice, and therefore excluded.

I say, then, until they are purged by special pardons, by a general pardon or by acquittal before a competent court, no one of them ought to be permitted to testify for his associates.

Mr. Baker. I do not care about those witnesses now, as the case has gone so far, and has taken such a turn. I suppose that the judge advocate includes in his exception Governor Brown, of Georgia, General Howell Cobb, General Robert E. Lee, General Johnston, General Imboden, Colonel Ould, and Dr. Moore. The testimony of these witnesses I expected to be to various points. For instance, it was testified to on the part of the prosecution that General Cobb had made certain, not only treasonable, but criminal, almost diabolical statements, in his speech, encouraging confederate soldiers to murder and kill our men. That is the purport of it. I intended to contradict that by witnesses whom we could put on the stand, as I conceived, according to the rules of law, but I was overruled. I then had General Cobb subpœnaed for the purpose of presenting him here, to say that no such statement was ever uttered.

Governor Brown I had subpœnaed on another point, as to supplies, a question which was largely gone into by the prosecution. I desired to show by him that he had to protect his own people in the State of Georgia from actual starvation by taking the control of the railroads from the confederate army.

I intended to show by General Lee that he had to leave his command, and exert his great influence among his people, privately as an individual, begging them to keep his soldiers from starvation.

I intended to show by General Johnston that his army could not be supplied.

I understand that after having issued a subpœna for General Lee, it was stopped *in transitu*. I understand also that the coming of General Cobb, Governor Brown, and Dr. Moore, was countermanded. Colonel Ould was here in attendance on the court for two weeks, but was discharged in contravention of my wishes, and even without my knowledge. He was sent from the court and ordered not to be in attendance any longer. But I suppose that in this he was acting under the sound and prudent promptings of the government, and I think it right that I should submit to it.

Another witness for the defence was arrested in court, and taken to the Old Capitol prison. He may or may not be a criminal, but I have always understood that a person attending on a court is protected by the process that brings him. I made a suggestion that I wished to examine this witness, (Duncan,) but was informed by the judge advocate that he was a criminal, and had no right to testify. That is a new doctrine to me—that because a man is charged with a crime he cannot be examined as a witness.

And so now it comes to be solemnly argued in this court, and authorities cited in support of it, that because persons have been charged with an offence, or because persons have been conspicuous in the southern army or service, they are to be prevented from testifying before a court of justice.

The whole argument of the judge advocate may be destroyed by his own conduct. He has brought here those very criminals and put them on the stand. I take some of those and add others to them, and wish to put them on the stand, but I am told they are what the law denominates "infamous," and cannot be allowed to swear in a court of justice. It seems to me that it would take higher authority than Johnson, although he was the best authority they had in New York fifty years ago, to support that doctrine; and he does not even pretend to lay down any such doctrine.

The true doctrine is simply this: If a man is tried and solemnly convicted of crime, then the law denominates him infamous, and his testimony is subject to the restrictions which some States put on it. But there is no general law of evidence that excludes even a man convicted of the worst offence from being put on the stand; for we find every day criminals taken out of the prisons of New York and put on the stand to testify. Therefore the authorities cited do not bear upon the point, and have nothing to do with the driving away from this court, or the keeping from this court, the witnesses for the defence.

I shall ask this court that the witness, Duncan, be placed so that we can have access to him to examine him as witness. I ask it because the law allows a it, and for no other reason. As to the witnesses that have been sent away from the court, I shall not ask to have them brought back.

The JUDGE ADVOCATE. I wish it distinctly understood that my action is the offspring of my own ideas, and that the government should not be held responsible for it, because I have acted without the counsels of the government. Certain political questions involved in subpœnaing such persons as General Lee would suggest themselves to any mind. After it came to my knowledge that those witnesses were to be brought here for purposes other than those indicated by counsel, I acted on what I thought a wise discretion, and revoked the subpœnas to General Lee and others. In every case where I revoked subpœnas, or declined to issue them, the evidence implicates the party as an accessory either before or after the fact, a principal in the first or second degree, or a co-conspirator.

With reference to the man Duncan, the evidence is before the court. He is awaiting his trial on charges similar to those brought against the accused.

These parties are all united, on a common charge, for a common offence; and there is not a law book in the world that would justify the calling some of the offenders in a joint crime as witnesses for their fellows on a separate trial. But the law does say that any of the parties may be called as witnesses against their associates. That is a distinction which seems not to have entered the mind of counsel for the prisoner.

This is briefly the argument, and these are the reasons for my action; and I await the order of the court in respect to changing it.

Mr. BAKER. Allow me to ask you how you put Colonel Chandler on the stand as a witness for the government, and exclude Colonel Ould as a witness for the defence?

The JUDGE ADVOCATE. Colonel Chandler, whether guilty or innocent, is a competent witness against his associate in crime, even admitting that Colonel Chandler is a criminal, which I do not suggest; Colonel Ould is connected with those atrocities, or he will be connected with them before the conclusion of the trial, and the court cannot allow him to testify for his associate. Colonel Ould was in a position where the facts regarding the prison at Andersonville must have come to his knowledge. He is not directly connected with them, and might be introduced as a witness for the defence unless the objections made to all that class of witnesses be held good.

Mr. BAKER. Is there any rule of law which allows a witness to be put on the stand on one side of a case and excludes him on the other side?

The JUDGE ADVOCATE. No such case has arisen here, and the question is not before the court.

The PRESIDENT. In respect to Duncan, I do not see any objection to his appearing as a witness for the prisoner; but Duncan is not in our custody, and permission for his appearance must be procured from the War Department.

Mr. BAKER. The doctrine that I held was that Duncan was in attendance on a subpœna which made him—so to speak—the property of the court; and the court can give me a right to confer with him whenever I choose.

The PRESIDENT. Submit your application in writing, and I will refer it to the proper authority.

After some further argument,

The PRESIDENT (addressing Mr. Baker) inquired whether he desired to insist on the attendance of the witnesses referred to in the remarks of the judge advocate.

Mr. BAKER. Well, sir, under the circumstances, I believe I will not.

The PRESIDENT. Then there is nothing before the court requiring a decision on this point.

MEDICAL TESTIMONY.

DR. JOSEPH JONES'S REPORT, EMBRACING DESCRIPTION OF THE STOCKADE, AND CONDITION OF THE PRISONERS THEREIN CONFINED; CONDITION OF THE HOSPITAL, TREATMENT OF THE SICK, AND STATISTICAL AND OTHER INFORMATION AS TO THE DISEASES PREVALENT, AND THE CAUSES THEREOF.

OCTOBER 7, 1865.

Dr. JOSEPH JONES, for the prosecution:

By the JUDGE ADVOCATE:

Q. Where do you reside?
A. In Augusta, Georgia.
Q. Are you a graduate of any medical college?
A. Of the University of Pennsylvania.
Q. How long have you been engaged in the practice of medicine?
A. Eight years.

Q. Has your experience been as a practitioner, or rather as an investigator of medicine as a science?

A. Both.

Q. What position do you hold now?

A. That of medical chemist in the medical college of Georgia, at Augusta.

Q. How long have you held your position in that college?

A. Since 1858.

Q. How were you employed during the rebellion?

A. I served six months in the early part of it as a private in the ranks, and the rest of the time in the medical department.

Q. Under the direction of whom?

A. Under the direction of Dr. Moore, surgeon general.

Q. Did you, while acting under his direction, visit Andersonville, professionally?

A. Yes, sir.

Q. For the purpose of making investigations there?

A. For the purpose of prosecuting investigations ordered by the surgeon general.

Q. You went there in obedience to a letter of instructions?

A. In obedience to orders which I received.

Q. Did you reduce the results of your investigations to the shape of a report?

A. I was engaged at that work when General Johnston surrendered his army.

(A document being handed to witness.)

Q. Have you examined this extract from your report and compared it with the original?

A. Yes, sir; I have.

Q. Is it accurate?

A. So far as my examination extended, it is accurate. The document just examined by witness was offered in evidence, and is as follows:

Observations upon the diseases of the federal prisoners, confined in Camp Sumter, Andersonville, in Sumter county, Georgia, instituted with a view to illustrate chiefly the origin and causes of hospital gangrene, the relations of continued and malarial fevers and the pathology of camp diarrhœa and dysentery, by Joseph Jones, surgeon P. A. C. S., professor of medical chemistry in the medical college of Georgia, at Augusta, Georgia.

Hearing of the unusual mortality among the federal prisoners confined at Andersonville, Georgia, in the month of August, 1864, during a visit to Richmond, Virginia, I expressed to the surgeon general, S. P. Moore, Confederate States of America, a desire to visit Camp Sumter, with the design of instituting a series of inquiries upon the nature and causes of the prevailing diseases. Smallpox had appeared among the prisoners, and I believed that this would prove an admirable field for the establishment of its characteristic lesions. The condition of Peyer's glands in this disease was considered as worthy of minute investigation It was believed that a large body of men from the northern portion of the United States, suddenly transported to a warm southern climate, and confined upon a small portion of land, would furnish an excellent field for the investigation of the relations of typhus, typhoid, and malarial fevers.

The surgeon general Confederate States of America furnished me with the following letter of introduction to the surgeon in charge of the Confederate States military prison at Andersonville, Georgia:

CONFEDERATE STATES OF AMERICA, SURGEON GENERAL'S OFFICE,
Richmond, Virginia, August 6, 1864.

SIR: The field of pathological investigations afforded by the large collection of federal prisoners in Georgia, is of great extent and importance, and it is believed that results of value to the profession may be obtained by a careful investigation of the effects of disease upon the large body of men subjected to a decided change of climate and the circumstances peculiar to prison life. The surgeon in charge of the hospital for federal prisoners, together

with his assistants, will afford every facility o Surgeon Joseph Jones, in the prosecution of the labors ordered by the surgeon general. Efficient assistance must be rendered Surgeon Jones by the medical officers, not only in his examinations into the causes and symptoms of the various diseases, but especially in the arduous labors of post mortem examinations.

The medical officers will assist in the performance of such post mortems as Surgeon Jones may indicate, in order that this great field for pathological investigation may be explored for the benefit of the medical department of the confederate army."

S. P. MOORE, *Surgeon General.*

Surgeon ISAIAH H. WHITE,
In charge of hospital for federal prisoners, Andersonville, Georgia.

In compliance with this letter of the surgeon general, Isaiah H. White, chief surgeon of the post, and R. R. Stevenson, surgeon in charge of the prison hospital, afforded the necessary facilities for the prosecution of my investigations among the sick outside of the stockade. After the completion of my labors in the military prison hospital, the following communication was addressed to Brigadier General John H. Winder, in consequence of the refusal on the part of the commandant of the interior of the Confederate States military prison to admit me within the stockade upon the order of the surgeon general:

CAMP SUMTER,
Andersonville, Georgia, September 16, 1864.

GENERAL: I respectfully request the commandant of the post of Andersonville to grant me permission and to furnish the necessary pass to visit the sick and medical officers within the stockade of the Confederate States prison. I desire to institute certain inquiries ordered by the surgeon general. Surgeon Isaiah H. White, chief surgeon of the post, and Surgeon R. R. Stevenson in charge of the prison hospital, have afforded me every facility for the prosecution of my labors among the sick outside of the stockade.

Very respectfully, your obedient servant.

JOSEPH JONES, *Surgeon P. S. C. S.*

Brigadier General JOHN H. WINDER,
Commandant, Post Andersonville.

In the absence of General Winder from the post, Captain Winder furnished the following order:

CAMP SUMTER,
Andersonville, September 17, 1864.

CAPTAIN: You will permit Surgeon Joseph Jones, who has orders from the surgeon general, to visit the sick within the stockade that are under medical treatment. Surgeon Jones is ordered to make certain investigations which may prove useful to his profession.

By direction of General Winder:

Very respectfully,

W. S. WINDER, *A. A. G.*

Captain H. WIRZ, *Commanding Prison.*

Description of the Confederate States military prison hospital at Andersonville. Number of prisoners, physical condition, food, clothing, habits, moral condition, diseases.

The confederate military prison at Andersonville, Georgia, consists of a strong stockade, 20 feet in height, enclosing 27 acres. The stockade is formed of strong pine logs, firmly planted in the ground. The main stockade is surrounded by two other similar rows of pine logs, the middle stockade being 16 feet high, and the outer 12 feet. These are intended for offence and defence. If the inner stockade should at any time be forced by the prisoners, the second forms another line of defence; while in case of an attempt to deliver the prisoners by a force operating upon the exterior, the outer line forms an admirable protection to the confederate troops, and a most formidable obstacle to cavalry or infantry. The four angles of the outer line are strengthened by earthworks upon commanding eminences, from which the cannon, in case of an outbreak among the prisoners, may sweep the entire enclosure; and it was designed to connect these works by a line of rifle pits, running zig-zag, around the outer stockade; those rifle pits have never been completed. The ground enclosed by the innermost

stockade lies in the form of a parallelogram, the larger diameter running almost due north and south. This space includes the northern and southern opposing sides of two hills, between which a stream of water runs from west to east. The surface soil of these hills is composed chiefly of sand with varying admixtures of clay and oxide of iron. The clay is sufficiently tenacious to give a considerable degree of consistency to the soil. The internal structure of the hills, as revealed by the deep wells, is similar to that already described. The alternate layers of clay and sand, as well as the oxide of iron, which forms in its various combinations a cement to the sand, allow of extensive tunnelling. The prisoners not only constructed numerous dirt huts with balls of clay and sand, taken from the wells which they have excavated all over those hills, but they have also, in some cases, tunnelled extensively from these wells. The lower portions of these hills, bordering on the stream, are wet and boggy from the constant oozing of water. The stockade was built originally to accommodate only 10,000 prisoners, and included at first 17 acres. Near the close of the month of June, the area was enlarged by the addition of 10 acres. The ground added was situated on the northern slope of the largest hill.

The following table presents a view of the density of the population of the prison, at different periods:

Table illustrating the mean number of prisoners confined in the Confederate States military prison at Andersonville, Georgia, from its organization, February 24, 1864, *to September*, 1864, *and the average number of square feet of ground to each prisoner.*

Month and year.	Mean strength of federal prisoners.	Area of stockade in square feet.	Average number of square feet allowed to each prisoner.
March, 1864	7,500	740,520	98.7
April, 1864	10,000	740,520	74
May, 1864	15,000	740,520	49.3
June, 1864	22,291	740,520	33.2
July, 1864	29,030	1,176,120	40.5
August, 1864	32,899	1,176,120	35.7

Within the circumscribed area of the stockade the federal prisoners were compelled to perform all the offices of life—cooking, washing, urinating, defecation, exercise, and sleeping. During the month of March the prison was less crowded than at any subsequent time, and then the average space of ground to each prisoner was only 98.7 feet, or less than seven square yards. The federal prisoners were gathered from all parts of the Confederate States east of the Mississippi, and crowded into the confined space, until in the month of June the average number of square feet of ground to each prisoner was only 33.2, or less than four square yards. These figures represent the condition of the stockade in a better light even than it really was; for a considerable breadth of land along the stream, flowing from west to east, between the hills, was low and boggy, and was covered with the excrement of the men, and thus rendered wholly uninhabitable, and in fact useless for every purpose except that of defecation. The pines and other small trees and shrubs, which originally were scattered sparsely over these hills, were in a short time cut down and consumed by the prisoners for firewood, and no shade tree was left in the entire enclosure of the stockade. With their characteristic industry and ingenuity, the federals constructed for themselves small huts and caves, and attempted to shield themselves from the rain and sun and

night damps and dew. But few tents were distributed to the prisoners, and those were in most cases torn and rotten. In the location and arrangement of these tents and huts no order appears to have been followed; in fact, regular streets appeared to be out of the question in so crowded an area; especially, too, as large bodies of prisoners were from time to time added suddenly without any previous preparations. The irregular arrangement of the huts and imperfect shelters was very unfavorable for the maintenance of a proper system of police.

The police and internal economy of the prison was left almost entirely in the hands of the prisoners themselves; the duties of the confederate soldiers acting as guards being limited to the occupation of the boxes or lookouts ranged around the stockade at regular intervals, and to the manning of the batteries at the angles of the prison. Even judicial matters pertaining to themselves, as the detection and punishment of such crimes as theft and murder, appear to have been in a great measure abandoned to the prisoners. A striking instance of this occurred in the month of July, when the federal prisoners within the stockade tried, condemned, and hanged six (6) of their own number, who had been convicted of stealing and of robbing and murdering their fellow-prisoners. They were all hung upon the same day, and thousands of the prisoners gathered around to witness the execution. The confederate authorities are said not to have interfered with these proceedings. In this collection of men from all parts of the world, every phase of human character was represented; the stronger preyed upon the weaker, and even the sick who were unable to defend themselves were robbed of their scanty supplies of food and clothing. Dark stories were afloat, of men, both sick and well, who were murdered at night, strangled to death by their comrades for scant supplies of clothing or money. I heard a sick and wounded federal prisoner accuse his nurse, a fellow-prisoner of the United States army, of having stealthily, during his sleep, inoculated his wounded arm with gangrene, that he might destroy his life and fall heir to his clothing.

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The large number of men confined within the stockade soon, under a defective system of police, and with imperfect arrangements, covered the surface of the low grounds with excrements. The sinks over the lower portions of the stream were imperfect in their plan and structure, and the excrements were in large measure deposited so near the borders of the stream as not to be washed away, or else accumulated upon the low boggy ground. The volume of water was not sufficient to wash away the feces, and they accumulated in such quantities in the lower portion of the stream as to form a mass of liquid excrement. Heavy rains caused the water of the stream to rise, and as the arrangements for the passage of the increased amounts of water out of the stockade were insufficient, the liquid feces overflowed the low grounds and covered them several inches, after the subsidence of the waters. The action of the sun upon this putrefying mass of excrements and fragments of bread and meat and bones excited most rapid fermentation and developed a horrible stench. Improvements were projected for the removal of the filth and for the prevention of its accumulation, but they were only partially and imperfectly carried out. As the forces of the prisoners were reduced by confinement, want of exercise, improper diet, and by scurvy, diarrhœa, and dysentery, they were unable to evacuate their bowels within the stream or along its banks, and the excrements were deposited at the very doors of their tents. The vast majority appeared to lose all repulsion to filth, and both sick and well disregarded all the laws of hygiene and personal cleanliness. The accommodations for the sick were imperfect and insufficient. From the organization of the prison, February 24, 1864, to May 22, the sick were treated within the stockade. In the crowded condition of the stockade, and with the tents and huts clustered thickly around the hospital, it was impossible to secure proper ventilation or to maintain the necessary police. The federal prisoners also made frequent forays upon the hospital stores and carried off the food and clothing of the sick. The hospital was, on the 22d of May, removed to its

present site without the stockade, and five acres of ground covered with oaks and pines appropriated to the use of the sick.

The supply of medical officers has been insufficient from the foundation of the prison.

The nurses and attendants upon the sick have been most generally federal prisoners, who in too many cases appear to have been devoid of moral principle, and who not only neglected their duties, but were also engaged in extensive robbing of the sick.

From the want of proper police and hygienic regulations alone it is not wonderful that from February 24 to September 21, 1864, 9,479 deaths, nearly one-third the entire number of prisoners, should have been recorded. I found the stockade and hospital in the following condition during my pathological investigations, instituted in the month of September, 1864:

STOCKADE, CONFEDERATE STATES MILITARY PRISON.

At the time of my visit to Andersonville a large number of federal prisoners had been removed to Millen, Savannah, Charleston, and other parts of the confederacy, in anticipation of an advance of General Sherman's forces from Atlanta, with the design of liberating their captive brethren; however, about 15,000 prisoners remained confined within the limits of the stockade and Confederate States military prison hospital.

In the stockade, with the exception of the damp lowlands bordering the small stream, the surface was covered with huts, and small ragged tents and parts of blankets and fragments of oilcloth, coats, and blankets stretched upon sticks. The tents and huts were not arranged according to any order, and there was in most parts of the enclosure scarcely room for two men to walk abreast between the tents and huts. I observed men urinating and evacuating their bowels at the very tent doors and around the little vessels in which they were cooking their food. Small pits, not more than a foot or two deep, nearly filled with soft offensive feces, were everywhere seen, and emitted under the hot sun a strong and disgusting odor. Masses of corn-bread, bones, old rags, and filth of every description were scattered around or accumulated in large piles.

If one might judge from the large pieces of corn-bread scattered about in every direction on the ground the prisoners were either very lavishly supplied with this article of diet, or else this kind of food was not relished by them.

Each day the dead from the stockade were carried out by their fellow-prisoners and deposited upon the ground under a bush arbor, just outside of the southwestern gate. From thence they were carried in carts to the burying ground, one-quarter of a mile northwest of the prison. The dead were buried without coffins, side by side, in trenches four feet deep.

The low grounds bordering the stream were covered with human excrements and filth of all kinds, which in many places appeared to be alive with working maggots. An indescribable sickening stench arose from these fermenting masses of human dung and filth.

There were near 5,000 seriously ill federals in the stockade and Confederate States military prison hospital, and the deaths exceeded one hundred per day, and large numbers of the prisoners who were walking about, and who had not been entered upon the sick reports, were suffering from severe and incurable diarrhœa, dysentery, and scurvy. The sick were attended almost entirely by their fellow-prisoners, appointed as nurses, and as they received but little attention, they were compelled to exert themselves at all times to attend to the calls of nature, and hence they retained the power of moving about to within a comparatively short period of the close of life. Owing to the slow progress of the diseases most prevalent, diarrhœa and chronic dysentery, the corpses were as a general rule emaciated.

I visited two thousand sick within the stockade, lying under some long sheds which had been built at the northern portion for themselves. At this time only

one medical officer was in attendance, whereas at least 20 medical officers should have been employed.

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I found no record of the sick in the stockade previous to September 14, 1864. It appears that previous to this date no record was preserved of the diseases treated within the stockade; and the following includes all the medical statistics which I was able to collect within the prison walls proper.

Morning reports of Acting Assistant Surgeon F. J. Wells, in charge of federal sick and wounded in stockade.

Date.	Remaining last report.	Taken sick.	Total sick.	Returned to duty.	Discharged.	Sent to general hospital.	Died.	Remaining.
1864.								
September 14	936	64	1,000	.....	.....	76	36	888
September 15	888	515	1,403	.....	.....	114	58	1,231
September 16	1,231	13	1,244	.....	.....	16	70	1,159
September 17	1,159	88	1,247	.....	.....	109	36	1,102
September 18	1,102	906	2,008	.....	.....	3	50	1,955
September 19	1,955	.....	1,955	.....	.....	32	42	1,881
September 20	1,881	.....	1,881	.....	.....	63	44	1,774

If this table be compared with the following one, from the Confederate States military prison hospital, during the same period, we will see that the number of deaths was as great in the stockade as in the hospital; notwithstanding the disparity in the number of medical officers of attendance upon the sick in both instances, being 346 in the former and 344 in the latter.

Consolidated morning reports of Surgeon R. R. Stevenson, in charge of Confederate States military prison hospital, Andersonville, Sept. 14—20, 1864.

Date.	Remaining in hospital at last report.	Received from stockade.	Received from attendants.	Total in hospital.	Returned to stockade.	Deserted.	Detailed from hospital.	Died.	Remaining in hospital.	Medical officers on duty in hospital—surgeons.	Medical officers—assistant surgeons.	Acting assistant surgeons.	Total medical officers on duty in hospital.
1864.													
September 14	1,609	76	....	1,685	1	....	49	37	1,598	3	11	8	22
September 15	1,598	114	....	1,712	14	....	....	47	1,651	3	11	8	22
September 16	1,651	16	....	1,667	1	....	....	49	1,617	3	11	8	22
September 17	1,617	109	4	1,730	....	....	....	40	1,690	3	11	8	22
September 18	1,690	3	....	1,693	....	....	....	58	1,635	3	11	9	23
September 19	1,635	32	1	1,668	....	2	....	55	1,611	3	11	9	23
September 20	1,611	63	2	1,676	....	....	....	48	1,628	3	11	9	23

Died in the stockade, from its organization, February 24, 1864 to September 21	3,254
Died in hospital during same time	6,225
Total deaths in hospital and stockade	9,479

Scurvy, diarrhœa, dysentery, and hospital gangrene were the prevailing diseases. I was surprised to find but few cases of malarial fever, and no well-marked cases either of typhus or typhoid fever. The absence of the different forms of malarial fever may be accounted for in the supposition that the artificial atmosphere of the stockade, crowded densely with human beings and loaded with animal exhalations, was unfavorable to the existence and action of the malarial poison. The absence of typhoid and typhus fevers amongst all the causes which are supposed to generate these diseases, appeared to be due to the fact that the great majority of these prisoners had been in captivity in Virginia, at Belle island, and in other parts of the confederacy for months, and even as long as two years, and during this time they had been subjected to the same bad influences, and those who had not had these fevers before either had them during their confinement in confederate prisons or else their systems, from long exposure, were proof against their action.

The effects of scurvy were manifested on every hand, and in all its various stages, from the muddy, pale complexion, pale gums, feeble, languid muscular motions, lowness of spirits, and fœtid breath, to the dusky, dirty, leaden complexion, swollen features, spongy, purple, livid, fungoid, bleeding gums, loose teeth, œdematons limbs covered with livid vibices, and petechiæ, spasmodically flexed, painful and hardened extremities, spontaneous hemorrhages from mucous canals, and large ill-conditioned spreading ulcers covered with a dark purplish fungus growth. I observed that in some of the cases of scurvy the parotid glands were greatly swollen, and in some instances to such an extent as to preclude entirely the power to articulate. In several cases of dropsy of the abdomen and lower extremities, supervening upon scurvy, the patients affirmed that previously to the appearance of the dropsy they had suffered with profuse and obstinate diarrhœa, and that when this was checked by a change of diet, from Indian corn bread baked with the husk, to boiled rice, the dropsy appeared. The severe pains and livid patches were frequently associated with swellings in various parts, and especially in the lower extremities, accompanied with stiffness and contractions of the knee joints and ankles, and often with a brawny feel of the parts, as if lymph had been effused between the integuments and apeneuroses, preventing the motion of the skin over the swollen parts. Many of the prisoners believed that the scurvy was contagious, and I saw men guarding their wells and springs, fearing lest some man suffering with the scurvy might use the water and thus poison them. I observed also numerous cases of hospital gangrene and of spreading scorbutic ulcers, which had supervened upon slight injuries. The scorbutic ulcers presented a dark, purple fungoid, elevated surface, with livid swollen edges, and exuded a thin, fœtid, sanious fluid instead of pus. Many ulcers which originated from the scorbutic condition of the system appeared to become truly gangrenous, assuming all the characteristics of hospital gangrene. From the crowded condition, filthy habits, bad diet, and dejected, depressed condition of the prisoners, their systems had become so disordered that the smallest abrason of the skin from the rubbing of a shoe, or from the effects of the sun, or from the prick of a splinter, or from scratching, or a mosquito bite, in some cases, took on rapid and frightful ulceration and gangrene. The long use of salt meat, ofttimes imperfectly cured, as well as the almost total depri vation of vegetables and fruit, appeared to be the chief causes of the scurvy. I carefully examined the bakery and the bread furnished the prisoners, and found

that they were supplied almost entirely with corn-bread from which the husk had not been separated. This husk acted as an irritant to the alimentary canal, without adding any nutriment to the bread. As far as my examination extended no fault could be found with the mode in which the bread was baked; the difficulty lay in the failure to separate the husk from the corn-meal. I strongly urged the preparation of large quantities of soup made from the cow and calves heads with the brains and tongues, to which a liberal supply of sweet potatoes and vegetables might have been advantageously added. The materials existed in abundance for the preparation of such soup in large quantities with but little additional expense. Such aliment would have been not only highly nutritious, but it would also have acted as an efficient remedial agent for the removal of the scorbutic condition. The sick within the stockade lay under several long sheds which were originally built for barracks. These sheds covered two floors which were open on all sides. The sick lay upon the bare boards, or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of feces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering with diarrhœa. The haggard, distressed countenances of these miserable, complaining, dejected, living skeletons, crying for medical aid and food, and cursing their government for its refusal to exchange prisoners, and the ghastly corpses, with their glazed eye balls staring up into vacant space, with the flies swarming down their open and grinning mouths, and over their ragged clothes, infested with numerous lice, as they lay amongst the sick and dying, formed a picture of helpless, hopeless misery which it would be impossible to portray by words or by the brush. A feeling of disappointment and even resentment on account of the United States government upon the subject of the exchange of prisoners, appeared to be widespread, and the apparent hopeless nature of the negotiations for some general exchange of prisoners appeared to be a cause of universal regret and deep and injurious despondency. I heard some of the prisoners go so far as to exonerate the confederate government from any charge of intentionally subjecting them to a protracted confinement, with its necessary and unavoidable sufferings, in a country cut off from all intercourse with foreign nations, and sorely pressed on all sides, whilst on the other hand they charged their prolonged captivity upon their own government, which was attempting to make the negro equal to the white man. Some hundred or more of the prisoners had been released from confinement in the stockade on parole, and filled various offices as clerks, druggists, and carpenters, &c., in the various departments. These men were well clothed, and presented a stout and healthy appearance, and as a general rule they presented a much more robust and healthy appearance than the confederate troops guarding the prisoners.

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The entire grounds are surrounded by a frail board fence, and are strictly guarded by confederate soldiers, and no prisoner except the paroled attendants is allowed to leave the grounds except by a special permit from the commandant of the interior of the prison.

The patients and attendants, near two thousand in number, are crowded into this confined space and are but poorly supplied with old and ragged tents. Large numbers of them were without any bunks in the tents, and lay upon the ground, ofttimes without even a blanket. No beds or straw appeared to have been furnished. The tents extend to within a few yards of the small stream, the eastern portion of which, as we have before said, is used as a privy and is loaded with excrements; and I observed a large pile of corn bread, bones, and filth of all kinds, thirty feet in diameter and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over everything and covered the faces of the sleeping patients, and crawled down their open mouths, and deposited their maggots in the

gangrenous wounds of the living, and in the mouths of the dead. Mosquitoes in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects, that they resembled those suffering with a slight attack of the measles.

The police and hygiene of the hospital was defective in the extreme; the attendants, who appeared in almost every instance to have been selected from the prisoners, seemed to have in many cases but little interest in the welfare of their fellow-captives. The accusation was made that the nurses in many cases robbed the sick of their clothing, money, and rations, and carried on a clandestine trade with the paroled prisoners and confederate guards without the hospital enclosure, in the clothing and effects of the sick, dying, and dead federals. They certainly appeared to neglect the comfort and cleanliness of the sick intrusted to their care in a most shameful manner, even after making due allowances for the difficulties of the situation. Many of the sick were literally encrusted with dirt and filth and covered with vermin. When a gangrenous wound needed washing, the limb was thrust out a little from the blanket, or board, or rags upon which the patient was lying, and water poured over it, and all the putrescent matter allowed to soak into the ground floor of the tent. The supply of rags for dressing wounds was said to be very scant, and I saw the most filthy rags which had been applied several times, and imperfectly washed, used in dressing recent wounds. Where hospital gangrene was prevailing, it was impossible for any wound to escape contagion under these circumstances. The results of the treatment of wounds in the hospital were of the most unsatisfactory character, from this neglect of cleanliness, in the dressings and wounds themselves, as well as from various other causes which will be more fully considered. I saw several gangrenous wounds filled with maggots. I have frequently seen neglected wounds amongst the confederate soldiers similarly affected; and as far as my experience extends, these worms destroy only the dead tissues and do not injure specially the well parts. I have even heard surgeons affirm that a gangrenous wound which had been thoroughly cleansed by maggots, healed more rapidly than if it had been left to itself. This want of cleanliness on the part of the nurses appeared to be the result of carelessness and inattention, rather than of malignant design, and the whole trouble can be traced to the want of the proper police and sanitary regulations, and to the absence of intelligent organization and division of labor. The abuses were in a large measure due to the almost total absence of system, government, and rigid, but wholesome sanitary regulations. In extenuation of these abuses it was alleged by the medical officers that the confederate troops were barely sufficient to guard the prisoners, and that it was impossible to obtain any number of experienced nurses from the confederate forces. In fact the guard appeared to be too small, even for the regulation of the internal hygiene and police of the hospital.

The manner of disposing of the dead was also calculated to depress the already desponding spirits of these men, many of whom have been confined for months, and even for near two years in Richmond and other places, and whose strength has been wasted by bad air, bad food, and neglect of personal cleanliness. The dead-house is merely a frame covered with old tent cloth and a few bushes, situated in the southwestern corner of the hospital grounds. When a patient dies, he is simply laid in the narrow street in front of his tent, until he is removed by federal negroes detailed to carry off the dead; if a patient dies during the night, he lies there until the morning, and during the day even the dead were frequently allowed to remain for hours in these walks. In the dead-house the corpses lie upon the bare ground, and were in most cases covered with filth and vermin.

At short intervals in the lanes between the tents, wooden boxes are arranged for the reception of the excrements of those patients who are unable to walk to the sinks along the banks of the stream; as a general rule these are not emptied

until they are filled with excrements. At all times the emaciated men, worn down to skeletons by diarrhœa and dysentery, are seen evacuating their bowels into these filthy receptacles, which from their wooden structure can never be kept properly cleansed. Notwithstanding the objectionable arrangements, these surgeons, from the limited resources of the purveying department of the Confederate States, appear to be unable to devise any better mode of collecting and removing the excrements of the sick. Metallic or earthen-ware vessels would be far preferable, but it is said that they cannot be obtained at the present time.

Time and again I saw patients, who apparently had ample strength to walk to the sinks, evacuate their bladders within the tent doors. The whole soil appeared to be saturated with urine and filth of all kinds and emitted a most disgusting odor.

The cooking arrangements are of the most defective character. Five large iron pots similar to those used for boiling sugar cane, appeared to be the only cooking utensils furnished by the hospital for the cooking of near two thousand men; and the patients were dependent in great measure upon their own miserable utensils. They were allowed to cook in the tent doors and in the lanes, and this was another source of filth, and another favorable condition for the generation and multiplication of flies and other vermin.

The air of the tents was foul and disagreeable in the extreme, and in fact the entire grounds emitted a most nauseous and disgusting smell. I entered nearly all the tents and carefully examined the cases of interest, and especially the cases of gangrene, upon numerous occasions, during the prosecution of my pathological inquiries at Andersonville, and therefore enjoyed every opportunity to judge correctly of the hygiene and police of the hospital.

There appeared to be almost absolute indifference and neglect on the part of the patients of personal cleanliness; their persons and clothing in most instances, and especially of those suffering with gangrene and scorbutic ulcers, were filthy in the extreme and covered with vermin. It was too often the case that patients were received from the stockade in a most deplorable condition. I have seen men brought in from the stockade in a dying condition, begrimed from head to foot with their own excrements, and so black from smoke and filth that they resembled negroes rather than white men. That this description of the stockade and hospital has not been overdrawn, will appear from the reports of the surgeons in charge, appended to this report.

I have drawn up for the consideration of the surgeon general and the use of the medical department of the Confederate States the following tables, giving a consolidated view of the diseases of the federal prisoners confined at Andersonville and also of the confederate forces acting as a guard around the stockade and hospital.

Report of sick and wounded federal prisoners at Camp Sumter, Andersonville, Georgia, from March 1 to August 31, 1864. Consolidated from the records on file in office of post surgeon.

1864.	March.		April.		May.		June.		July.				August.				Total.	
									Original admissions.		Readmissions.		Original admissions.		Readmissions.			
	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.
Febris congestiva	.....	.....	5	.....	1	1	.....	2	.....	1	1	1	1	1	.....	.....	8	6
Continua communis	54	10	12	.....	50	.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	126	10
Continua simplex	.....	.....	.....	.....	.....	.....	.....	.....	15	.....	.....	.....	140	4	.....	.....	155	4
Interm. quotidina	.....	.....	10	4	481	9	205	7	150	4	.....	.....	324	29	.....	.....	1,170	56
Interm. tertiana	35	2	24	.....	385	.....	192	.....	139	.....	.....	.....	.....	.....	.....	.....	775	2
Interm. quartana	.....	.....	.....	.....	114	.....	25	.....	56	.....	.....	.....	.....	.....	.....	.....	195	.....
Interm. remittens	37	5	10	1	181	9	240	13	.....	.....	.....	.....	.....	.....	.....	.....	468	28
Interm. boliaza	.....	.....	.....	.....	.....	.....	.....	.....	160	15	.....	.....	190	12	.....	.....	350	27
Interm. typhoid	67	28	56	18	92	17	18	32	20	39	19	19	20	32	.....	.....	472	185
Interm. typhus	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interm. icterodes	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
All other diseases of this class	.....	.....	10	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	13	.....
Erysipelas	.....	.....	5	2	26	1	5	1	.....	.....	.....	.....	.....	.....	.....	.....	36	4
Idiopathic	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	1	1	13	1
Rubeola	10	.....	6	1	40	3	8	2	3	.....	.....	.....	.....	.....	1	1	68	7
Variola	16	3	36	16	3	5	1	5	.....	1	1	1	.....	.....	.....	.....	57	31
Varioloides	12	2	37	18	10	5	.....	5	.....	3	3	3	.....	1	.....	.....	62	39
All other diseases of this class	.....	.....	.....	.....	1	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	13	.....
Colica	10	.....	1	.....	36	.....	41	.....	14	.....	.....	.....	.....	.....	.....	.....	102	.....
Constipatio	23	.....	3	.....	140	.....	237	1	810	1	.....	.....	557	7	.....	.....	1,770	9
Diarrhœa acuta	386	51	916	220	1,729	251	1,966	330	2,796	517	.....	.....	1,932	742	50	50	9,775	2,161
Diarrhœa chronica	95	26	233	115	608	191	510	447	349	330	.....	.....	470	230	50	50	2,315	1,369
Dysenteria acuta	143	29	133	49	870	93	540	98	999	215	.....	.....	859	364	.....	.....	3,544	848
Dysenteria chronica	42	12	51	27	407	8	271	5	180	27	.....	.....	187	72	.....	.....	1,138	151
Dyspepsia	15	.....	1	.....	40	.....	1	.....	5	.....	.....	.....	.....	.....	.....	.....	62	.....
Enteritis	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100	50	100	50
Gastritis	.....	.....	.....	.....	10	.....	.....	.....	40	.....	.....	.....	100	1	.....	.....	150	1
Hæmatemesis	.....	.....	.....	.....	.....	.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	.....
Hepatitis acuta	.....	.....	.....	.....	20	1	.....	.....	4	.....	.....	.....	9	3	.....	.....	33	4
Hepatitis chronica	.....	.....	2	.....	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	16	.....
Icterus	5	.....	5	.....	8	.....	12	.....	62	4	.....	.....	31	8	.....	.....	123	12
Parotitis	6	.....	4	.....	18	.....	8	.....	2	.....	.....	.....	.....	.....	.....	.....	38	.....
Pharyngitis	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1	.....
Stomatitis mercus	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	20	.....	.....	.....	22	.....

Report of sick and wounded federal prisoners at Camp Sumter, &c.—Continued.

1864.	March.		April.		May.		June.		July.				August.				Total.	
									Original admissions.		Readmissions.		Original admissions.		Readmissions.			
	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.
Glossitis									18								18	
Splenitis													1				1	
Nephritis									15				18	2			33	2
Tonsilitis	10				17		8										35	
All other diseases of this class					32		58										90	
Asthma					7		3		8								18	
Bronchitis acuta	73	11	55	6	101	7	133	9	179	12			229	16			770	61
Bronchitis chronica	15		21		47		30	1	25	2							138	3
Catarrhus epidemicus					4												4	
Catarrhus	79		88	2	308	1	466	3									941	6
Catarrhus simplex									531	6			428	14			959	20
Laryngitis	20		20	2	7		2	1					23				72	3
Phthisis									1	7	6	6	51	4			58	17
Phthisis pulmonalis	24	8	12		16	4	4	4									56	16
Pleuritis	28	9	19	4	167	5	97	3	12	5			128	6			451	32
Pneumonia	102	65	108	58	103	28	21	41	28	29			166	15			528	234
All other diseases of this class			10	1	1			1									11	2
Anæmia	25		50				2										77	
Endocarditis									1				1				2	
Varicocele					4												4	
Apoplexia									1				97				98	
Cephalalgia					6												6	
Cerebritis															75	50	75	50
Epilepsia								1										1
Ictus solis							1	1	1	1					51	51	53	53
Mania			5														5	
Meningitis													2	2			2	2
Neuralgia					10		13		9				1				33	
Paralysis	1		1		2	1			1								5	1
All other diseases of this class						1												1
Buo simplex									1								1	
Buo specific									13								13	
Buo syphiliticum					6		10										16	
Calculus			1		1		2						10				14	
Cystitis	5				1												6	
Diaritis			1		4												5	

Diaritis metitis													7				7	
Marasmus															53	53	53	53
Gonorrhœa	1				36		32										69	
Gonorrhœa simplex													18				18	
Gonorrhœa virulenta									20								20	
Ischuria vera									5								5	
Ischuria et dysuria	5				12		2										19	
Nephritis	7		6	1	29	1	5										47	2
Orchitis					17		1		4								22	
Strictura urethræ					1		2		3				1				7	
Phimosis													3				3	
Inlis syphiliticum									1				5				6	
Syphilis primitera	1		2				6		2				15				26	
Syphilis consecutiva			5	1	20		14		7								46	1
All other diseases of this class			1	1	12		8										21	1
Anararca	28	2	32	6	233	50	248	71	304	66			665	120			1,510	315
Ascites	8		6	2	10	1	16		5				1	1			46	4
Hydrocele			6	1	4				1								11	1
Hydrops pericarlin															50	24	50	24
Hydrothorax			1	1	1												1	1
All other diseases of this class			50				2										52	
Lumbago					5		3		4								12	
Rheumatismus acutus	27		10	5	122	5	88	2	171	2			253	4			671	18
Rheumatismus chronicus	15		20		101		31		14				2	2			183	2
All other diseases of this class			5	1													5	1
Abcessus							3										3	
Abcessus acutus									2	1			2				4	1
Scapies									62				14				76	
Fistula	1		5		3												9	
Phayedina gangrena									3				54	13			57	13
Ulcus			20		128		41		29				12				230	
All other diseases of this class					57												57	
Contusion							4		4				3				11	
Fractura					2												2	
Hernia							3										3	
Vulnus punctum													3				3	
Vulnus sclopeticum	10		53	1	52	3	22	1									137	5
Vulnus punctum sclopeticum									36	10			36	6			72	16
All other diseases of this class					10												10	
Amaurosis					4		1										5	
Hemeralopia			20		26												46	
Jatis							3										3	
Ophthalmia	6		1		27		7		27								68	
All other diseases of this class					10												10	
Otitis							2										2	
Otorrhœa						2											2	
Surditas						2											2	
Debetitas	34	3	66	12	139	10	80	37	112	35			446	21			875	168
Diphtheria								1	2	4	2	2					4	7
Hemorrhois	8		5		54		15		18				15				115	
Morbi cutis	16		10		57		43										126	
Adrutalgia					11		2										13	

Report of sick and wounded federal prisoners at Camp Sumter, &c.—Continued.

1864.	March.		April.		May.		June.		July.				August.				Total.	
									Original admissions.		Readmissions.		Original admissions.		Readmissions.			
	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.	Cases.	Deaths.
Prolapsus ani					14		1										15	
Anæmia									1				2	2			3	2
Scutius					26		1										27	
Scorbutus	15		50		1,221	14	2,097	68	3,092	195			3,026	722			9,501	999
Struma									1								1	
Scrofula	5				3		5										13	
Asphyxia									1								1	
By hanging										6								6
Tinicum							3		6								9	
Tumnes					10		3										13	
Vermes	5																5	
Morbi vari		17	100		6	3	9	8	25	203	178	178	156	156			474	565
Total	1,530	283	2,425	576	8,583	708	7,968	1,201	10,624	1,742	210	210	10,915	2,662	431	330	42,686	7,712

GENERAL SUMMARY.

1864.	Remaining last report.			Taken sick during month.	Aggregate.	Ret'd to duty, (stockade.)	Died.	Remaining.			Mean strength.		Number treated.	Deaths.	Ratio per 1,000 men.	
	Sick.	Convalescent.	Total.					Sick.	Convalescent.	Total.	Enlisted men.	Total.			Cases.	Deaths.
March	.....	.....	.....	1,530	.....	353	283	500	136	636	7,500	7,560	1,530	283	204	37
April	500	136	636	2,425	3,061	1,463	576	468	554	1,022	10,000	10,000	3,061	576	306	57
May	468	554	1,022	8,583	9,605	6,276	708	1,150	1,471	2,621	15,000	15,000	9,605	708	640	47
June	1,150	1,471	2,621	7,969	10,590	5,311	1,201	.....	.....	4,078	22,291	22,291	10,590	1,201	475	53

1864.	Remaining last report.		Taken sick or wounded during the month.	Supervening disease.	Aggregate.	Returned to duty.	Died.	Remaining.			Mean strength.		Enlisted men.				Average number on sick report daily.		
													Sick.		Wounded.				
	Sick.	Total.						Sick.	Wounded.	Total.	Enlisted men.	Total.	Cases.	Deaths.	Cases.	Deaths.	In hospital.	In quarters.	Total.
July	4,078	4,078	10,624	210	14,912	6,548	1,742	6,386	26	6,412	29,030	29,030	10,588	1,732	36	10	1,237	4,574	5,311
August	6,386	6,412	10,915	431	17,758	9,443	2,992	4,836	56	4,892	32,899	32,899	.....	.....	.....	.....	1,934	3,933	5,868

Report of the sick and wounded among the confederate troops performing guard duty at Camp Sumter, Andersonville, Georgia, for the months of July and August, 1864. *Consolidated from the original reports on file in the office of the post surgeon. (Records incomplete, extending only to the month of July.)*

Diseases.	Field report.		Sumter hospital.		Diseases.	Field report.		Sumter hospital.	
	Cases.	Deaths.	Cases.	Deaths.		Cases.	Deaths.	Cases.	Deaths.
Febris continua simplex	44	....	.....	....	Gonorrhœa	7	....	.....	....
Febris continua comancius	7	....	.....	....	Gonorrhœa simplex	6	....	.....	....
Intermittens quotidiana	84	....	13	....	Gonorrhœa viralota	2	....	.....	....
Intermittens tertiana	39	....	12	....	Nephrites	39	....	.....	....
Intermittens quartana	17	....	.....	....	Nephrites alkuminosa	3	....	.....	....
Intermittens remittens	260	....	.....	....	Orchitis	4	....	.....	....
Intermittens bibosa	62	....	94	3	Varicocele	1	....	.....	....
Intermittens typhoides	38	3	64	35	Syphilis primetero	6	....	1	....
Erysipelas	11	....	.....	....	Hæmatocele	.....	....	.....	....
Erysipelas idiopathic	6	....	1	....	Hydrothorax	.....	....	1	....
Rubeola	260	....	82	....	Hæmalimesis	1	....	.....	....
Cholera morbus	2	....	.....	....	Fistula in ano	1	....	.....	....
Cholera sporad	1	....	1	....	Anasarca	11	....	.....	....
Colica	18	....	.....	....	Ascetes	6	....	3	....
Constipatio	54	....	.....	....	Lumbago	5	....	.....	....
Diarrhœa acuta	405	....	26	3	Rheumatismus acuta	21	....	4	....
Diarrhœa chronica	35	....	22	6	Rheumatismus chronica	24	....	1	....
Dysenteria acuta	83	....	9	4	Abscisus	8	....	.....	....
Dysenteria chronica	.....	....	4	2	Abscisus acuta	6	....	.....	....
Dyspepsia	7	....	.....	....	Parcuchia	1	....	.....	....
Hepatitis acuta	8	....	.....	....	Phlegmone	10	....	.....	....
Hepatitis chronica	5	....	.....	....	Ulcers	3	....	2	....
Icterus	21	....	1	....	All other deseases of this class	1	....	.....	....
Parotitis	16	....	.....	....	Contusio	6	....	1	....
Stomatitis mercum	6	....	.....	....	Tracheta	.....	....	.....	....
Glossitis	29	....	.....	....	Cephalgia	16	....	.....	....
Gastritis	5	....	.....	....	Mania	1	....	.....	....
Enteritis	11	....	.....	....	Hypertrobia caudi	1	....	.....	....
Enteritis mucosa	13	....	.....	....	Diabetes metitus	.....	....	.....	....
Tonsillitis	3	....	.....	....	Otalgia	14	....	.....	....
Asthma	4	....	.....	....	Strictura urethræ	5	....	.....	....
Bronchitis acuta	11	....	4	....	Phymosis	1	....	.....	....
Catarrhus	68	....	.....	....	Hernia	3	....	.....	....
Catarrhus simplex	8	....	1	....	Hernia inguinalis	8	....	2	....
Hamoptysis	1	....	.....	....	Vulnus incisum	1	....	.....	....
Tansigitis	4	....	1	....	Vulnus punctum	2	....	.....	....
Phthisis	2	....	.....	....	Vulnus sclopetus	.....	....	3	....
Phthisis pulmonalis	1	....	.....	....	All other diseases of this class	1	....	.....	....
Pneumonia	6	....	4	1	Ophthalmia	7	....	.....	....
Trochitis	1	....	.....	....	Debilitas	60	....	5	....
Cystitis	4	....	.....	....	Epitanis	5	....	.....	....
Anœroia	.....	....	.....	....	Hæmorrhois	40	....	.....	....
Scorbutus	1	....	1	....	Scabico	83	....	.....	....
Epilepsia	2	....	1	....	Nostalgio	3	....	.....	....
Meningitis	1	....	1	1	Scrofula	1	....	.....	....
Orekro special mengitis	4	....	1	1	Vermis	2	....	.....	....
Intalio spinolia	16	....	.....	....					
Neuralgia	16	....	1	....	Total	2,127	6	367	56
Paralysis	2	....	.....	....					

Per cent. of deaths among cases treated in the field during July and August, 0.28. Per cent. of deaths among cases treated in Sumter hospital July and August, 15.2. One death in 6.5 cases treated in hospital.

GENERAL SUMMARY.

	Remaining last report.			Taken sick during the month.	Aggregate.	Sent to general hospital.	Returned to duty.	On furlough.	Discharged.	Died.	Remaining.			Mean strength.			Number treated.	Deaths.	Ratio per 1,000 men.		
	Sick.	Convalescent.	Total.								Sick.	Convalescent.	Total.	Officers.	Enlisted men.	Total.			Cases.	Deaths.	
1864.																					
July	114	.....	.....	425	734	33	547	26	.....	2	126	.....	734	45	684	729	620	2	113	.....	1st regiment Georgia reserves.
August	.....	.....	.....	455	.....	31	356	21	2	.....	45	.....	455	45	756	801	455	.....	568	.....	1st regiment Georgia reserves.
July	45	.....	45	152	197	13	130	4	1	2	47	.....	47	42	423	875	152	2	.....	.....	2d regiment Georgia reserves.
August	47	.....	47	130	177	21	86	1	.....	4	15	50	65	43	582	625	120	4	208	.....	2d regiment Georgia reserves.
July	38	.....	38	254	292	24	64	.....	.....	.....	204	.....	204	45	974	1,019	254	.....	.....	.....	3d regiment Georgia reserves.
August	70	.....	70	215	285	9	242	.....	.....	.....	34	.....	34	46	989	1,033	276	.....	28	.....	3d regiment Georgia reserves.
July	74	.....	74	133	207	51	55	11	1	1	88	.....	88	45	650	695	133	1	.....	.....	4th regiment Georgia reserves.
August	50	38	88	229	317	17	230	15	1	1	40	13	53	42	750	792	229	1	289	.....	4th regiment Georgia reserves.
July	18	.....	.....	57	78	2	43	5	.....	.....	28	.....	28	9	225	234	57	.....	.....	.....	55th Georgia volunteers.
August	28	.....	28	30	58	.....	42	5	.....	.....	11	.....	11	10	224	234	55	.....	230	.....	55th Georgia volunteers.
July	114	.....	.....	425	734	33	547	26	.....	2	126	.....	734	45	684	729	622	.....	.....	.....	Florida light artillery.
August	14	.....	14	62	76	.....	47	2	.....	.....	13	.....	13	4	140	144	62	.....	430	.....	Florida light artillery.
July	.....	.....	.....	248	250	2	82	43	.....	28	91	.....	92	.....	.....	.....	274	.....	.....	.....	Sumter hospital.
August	91	.....	92	110	212	1	62	37	.....	28	72	2	74	.....	.....	.....	202	.....	.....	.....	Sumter hospital.

We will examine first the consolidated report of the sick and wounded federal prisoners. During six months, from the 1st of March to the 31st of August, 42,686 cases of diseases and wounds were reported. No classified record of the sick in the stockade was kept after the establishment of the hospital without the prison. This fact, in conjunction with those already presented relating to the insufficiency of medical officers and the extreme illness and even death of many prisoners in the tents in the stockade, without any medical attention or record beyond the bare number of the dead, demonstrate that these figures, large as they appear to be, are far below the truth.

As the number of prisoners varied greatly at different periods, the relations between those reported sick and well, as far as those statistics extend, can best be determined by a comparison of the statistics of each month. The following table presents the mean strength, the total diseases and deaths, and the total cases and deaths of the most fatal diseases.

Table illustrating the mean strength, total cases of disease and death, and the relations of the cases and deaths of the most fatal diseases among the federal prisoners confined at Andersonville, Georgia. (Consolidated from the original reports on file in the office of the surgeon in charge of the post of Andersonville, by Joseph Jones, surgeon provisional army Confederate States.)

	1864.						
	March.	April.	May.	June.	July.	August.	Total.
Mean strength, federal prisoners	7,500	10,000	15,000	22,291	29,030	32,899	.....
Total taken sick or wounded during the month.	1,530	2,425	8,583	7,968	10,834	11,346	42,686
Ratio of sick to well; one sick in—	4 9-10	4 8-100	1 7-10	2 8-10	2 6-10	2 9-10	.....
Total deaths from all causes	283	576	708	1,201	1,952	2,992	7,712
Per cent. of deaths to sick entered on sick reports during month	18.42	23.7	8.2	15.0	18.1	26.3	.....
One death in so many sick and wounded prisoners	26.4	17.3	21.18	18.5	14.8	10.9	.....
Per cent. of deaths to mean strength, sick and well	3.77	5.76	4.72	5.38	6.64	9.09	.....
Typhoid fever—							
Cases	67	56	92	18	39	200	472
Deaths	28	18	17	32	58	32	185
Congestive fever—							
Cases	.....	5	1	.....	1	1	8
Deaths	.....	.....	1	2	2	1	6
Intermittent fever, quotidian—							
Cases	.....	10	481	205	150	324	1,170
Deaths	.....	4	9	7	7	29	56
Intermittent fever, iation—							
Cases	35	24	385	192	139	.....	775
Deaths	2	.....	.....	.....	.....	.....	2
Intermittent fever, quarter—							
Cases	.....	.....	114	25	56	.....	195
Deaths	.....	.....	.....	.....	.....	.....	.....
Remittent fever—							
Cases	37	10	181	240	.....	.....	468
Deaths	5	1	9	13	.....	.....	28
Bilious remittent fever—							
Cases	.....	.....	.....	.....	160	190	350
Deaths	.....	.....	.....	.....	15	12	27
Pneumonia—							
Cases	102	108	103	21	28	116	528
Deaths	65	58	28	41	27	15	234
Scurvy—							
Cases	15	50	1,221	2,097	3,092	3,026	9,501
Deaths	.....	.....	14	68	195	722	999
Acute diarrhœa—							
Cases	386	916	1,729	1,966	2,796	1,982	9,775
Deaths	51	220	251	330	517	792	2,161
Chronic diarrhœa—							
Cases	95	235	608	510	349	520	2,315
Deaths	26	115	171	447	330	280	1,369
Acute dysentery—							
Cases	143	133	870	540	999	859	3,549
Deaths	29	49	93	98	215	364	848
Chronic dysentery—							
Cases	42	51	407	271	180	187	1,138
Deaths	12	27	8	5	27	72	151
Morbiben—							
Cases	.....	100	6	9	203	156	474
Deaths	17	.....	3	8	381	156	565
Dropsy—							
Cases	28	32	233	248	304	665	1,510
Deaths	2	6	50	71	66	120	315

During this period of six months no less than 565 deaths are recorded under the head of morbi vanie. In other words, those men died without having received sufficient medical attention for the determination of even the name of the disease causing death.

During the month of August 53 cases and 53 deaths are recorded as due to marasmus. Surely this large number of deaths must have been due to some other morbid state than slow wasting. If they were due to improper and insufficient food, they should have been classed accordingly, and if to diarrhœa or dysentery or scurvy, the classification should in like manner have been explicit.

We observe a progressive increase of the rate of mortality, from 3.11 per cent. in March to 9.09 per cent. of mean strength, sick and well, in August. The ratio of mortality continued to increase during September, for notwithstanding the removal of one-half of the entire number of prisoners during the early portion of the month, one thousand seven hundred and sixty-seven (1,767) deaths are registered from September 1 to 21, and the largest number of deaths upon any one day occurred during this month, on the 16th, viz: 119.

The entire number of federal prisoners confined at Andersonville was about 40,611; and during the period of near seven months, from February 24 to September 21, nine thousand four hundred and seventy-nine (9,479) deaths were recorded; that is, during this period near one-fourth, or more, exactly one in 4.2, or 23.3 per cent., terminated fatally. This increase of mortality was due in great measure to the accumulation of the sources of disease, as the increase of excrements and filth of all kinds, and the concentration of noxious effluvia, and also to the progressive effects of salt diet, crowding, and the hot climate.

CONCLUSIONS.

1st. The great mortality among the federal prisoners confined in the military prison at Andersonville was not referable to climatic causes, or to the nature of the soil and waters.

2d. The chief causes of death were scurvy and its results and bowel affections—chronic and acute diarrhœa and dysentery. The bowel affections appear to have been due to the diet, the habits of the patients, the depressed, dejected state of the nervous system and moral and intellectual powers, and to the effluvia arising from the decomposing animal and vegetable filth. The effects of salt meat, and an unvarying diet of corn-meal, with but few vegetables, and imperfect supplies of vinegar and sirup, were manifested in the great prevalence of scurvy. This disease, without doubt, was also influenced to an important extent in its origin and course by the foul animal emanations.

3d. From the sameness of the food and form, the action of the poisonous gases in the densely crowded and filthy stockade and hospital, the blood was altered in its constitution, even before the manifestation of actual disease. In both the well and the sick the red corpuscles were diminished; and in all diseases uncomplicated with inflammation, the fibrous element was deficient. In cases of ulceration of the mucous membrane of the intestinal canal, the fibrous element of the blood was increased; while in simple diarrhœa, uncomplicated with ulceration, it was either diminished or else remained stationary. Heart clots were very common if not universally present in the cases of ulceration of the intestinal mucous membrane, while in the uncomplicated cases of diarrhœa and scurvy, the blood was fluid and did not coagulate readily, and the heart clots and fibrous concretions were almost universally absent. From the watery condition of the blood, there resulted various serous effusions into the pericardium, ventricles of the brain, and into the abdomen. In almost all the cases which I examined after death, even the most emaciated, there was more or less serous effusion into the abdominal cavity. In cases of hospital gangrene of the extremities, and in cases of gangrene of the intestines, heart clots and fibrous coagula were

universally present. The presence of those clots in the cases of hospital gangrene, while they were absent in the cases in which there was no inflammatory symptoms, sustains the conclusion that hospital gangrene is a species of inflammation, imperfect and irregular though it may be in its progress, in which the fibrous element and coagulation of the blood are increased, even in those who are suffering from such a condition of the blood, and from such diseases as are naturally accompanied with a decrease in the fibrous constituent.

4th. The fact that hospital gangrene appeared in the stockade first and originated spontaneously without any previous contagion, and occurred sporadically all over the stockade and prison hospital, was proof positive that this disease will arise whenever the conditions of crowding, filth, foul air, and bad diet are present. The exhalations from the hospital and stockade appeared to exert their effects to a considerable distance outside of these localities. The origin of hospital gangrene among these prisoners appeared clearly to depend in great measure upon the state of the general system induced by diet, and various external noxious influences. The rapidity of the appearance and action of the gangrene depended upon the powers and state of the constitution, as well as upon the intensity of the poison in the atmosphere, or upon the direct application of poisonous matter to the wounded surface. This was further illustrated by the important fact that hospital gangrene, or a disease resembling it in all essential respects, attacked the intestinal canal of patients laboring under ulceration of the bowels, although there were no local manifestations of gangrene upon the surface of the body. This mode of termination in cases of dysentery was quite common in the foul atmosphere of the Confederate States military hospital, in the depressed, depraved condition of the system of these federal prisoners.

5th. A scorbutic condition of the system appeared to favor the origin of foul ulcers, which frequently took on true hospital gangrene. Scurvy and hospital gangrene frequently existed in the same individual. In such cases, vegetable diet, with vegetable acids, would remove the scorbutic condition without curing the hospital gangrene. From the results of the existing war for the establishment of the independence of the Confederate States, as well as from the published observations of Dr. Trotter, Sir Gilbert Blane, and others of the English navy and army, it is evident that the scorbutic condition of the system, especially in crowded ships and camps, is most favorable to the origin and spread of foul ulcers and hospital gangrene. As in the present case of Andersonville, so also in past times when medical hygiene was almost entirely neglected, those two diseases were almost universally associated in crowded ships. In many cases it was very difficult to decide at first whether the ulcer was a simple result of scurvy or of the action of the prison or hospital gangrene, for there was great similarity in the appearance of the ulcers in the two diseases. So commonly have those two diseases been combined in their origin and action, that the description of scorbutic ulcers, by many authors, evidently includes also many of the prominent characteristics of hospital gangrene. This will be rendered evident by an examination of the observations of Dr. Lind and Sir Gilbert Blane upon scorbutic ulcers.

6th. Gangrenous spots followed by rapid destruction of tissue appeared in some cases where there had been no known wound. Without such well-established facts, it might be assumed that the disease was propagated from one patient to another. In such a filthy and crowded hospital as that of the Confederate States military prison at Andersonville, it was impossible to isolate the wounded from the sources of actual contact of the gangrenous matter. The flies swarming over the wounds and over filth of every kind, the filthy, imperfectly washed and scanty supplies of rags, and the limited supply of washing utensils, the same wash-bowl serving for scores of patients, were sources of such constant circulation of the gangrenous matter that the disease might rapidly spread from a single gangrenous wound. The fact already stated, that a form of moist

gangrene, resembling hospital gangrene, was quite common in this foul atmosphere, in cases of dysentery, both with and without the existence of the disease upon the entire surface, not only demonstrates the dependence of the disease upon the state of the constitution, but proves in the clearest manner that neither the contact of the poisonous matter of gangrene, nor the direct action of the poisonous atmosphere upon the ulcerated surface, is necessary to the development of the disease.

7th. In this foul atmosphere amputation did not arrest hospital gangrene; the disease almost invariably returned. Almost every amputation was followed finally by death, either from the effects of gangrene or from the prevailing diarrhœa and dysentery. Nitric acid and escharotics generally in this crowded atmosphere, loaded with noxious effluvia, exerted only temporary effects; after their application to the diseased surfaces, the gangrene would frequently return with redoubled energy; and even after the gangrene had been completely removed by local and constitutional treatment, it would frequently return and destroy the patient. As far as my observation extended, very few of the cases of amputation for gangrene recovered. The progress of these cases was frequently very deceptive. I have observed after death the most extensive disorganization of the structures of the stump, when during life there was but little swelling of the part, and the patient was apparently doing well. I endeavored to impress upon the medical officers the view that in this disease treatment was almost useless, without an abundant supply of pure fresh air, nutritious food, and tonics and stimulants. Such changes, however, as would allow of the isolation of the cases of hospital gangrene appeared to be out of the power of the medical officers.

8th. The gangrenous mass was without true pus, and consisted chiefly of broken-down, disorganized structures. The reaction of the gangrenous matter in certain stages was alkaline.

9th. The best, and in truth the only means of protecting large armies and navies, as well as prisoners, from the ravages of hospital gangrene, is to furnish liberal supplies of well-cured meat, together with fresh beef and vegetables, and to enforce a rigid system of hygiene.

10th. Finally, this gigantic mass of human misery calls loudly for relief, not only for the sake of suffering humanity, but also on account of our own brave soldiers now captives in the hands of the federal government. Strict justice to the gallant men of the confederate armies, who have been or who may be, so unfortunate as to be compelled to surrender in battle, demands that the confederate government should adopt that course which will best secure their health and comfort in captivity; or at least leave their enemies without a shadow of an excuse for any violation of the rules of civilized warfare in the treatment of prisoners.

Q. You have made some estimates based upon what you term the "mean strength;" will you explain to the court what you mean by that?

A. The mean strength for a month in an army is generally taken by choosing three points in the month, the first, the middle, and the latter part of it, adding them together and dividing the total number.

Q. The total of the three added?

A. Yes, sir. I do not know exactly how it was done at Andersonville. This was taken from the records there entitled "mean strength."

Q. Continue your explanation of how the estimate was made, and then you can make any qualifications with regard to it. You say you divided the number of prisoners at the first of the month, the middle of the month, and the last of the month by three; then what did you do?

A. That would give you the mean strength, the average number present during the month—that is in armies.

Q. That cannot always be accurate, can it?

A. No, sir; it is not accurate in armies. I do not know exactly what course they adopted with the prisoners, but presume it was done in the same way. Two or

three thousand might have been received and two or three thousand sent away, and in that way the whole number during the month would be pretty much unchanged. In the confederate service it was not a truly accurate number.

Q. You used the term "Confederate States military hospital;" does that refer always to the federal prisoners' hospital?

A. There was a Confederate States military hospital there, that went by the name of Sumter hospital.

Q. In the returns you include only hospitals containing federal prisoners?

A. Yes; I think I always used the term "Confederate States military prison hospitals."

Q. When did you forward your report or complete it?

A. I will state to the court that I was engaged in the preparation of that report in the month of September, 1864. I went from Andersonville to the hospitals connected with the army of Tennessee, and labored there until November; I then returned to Augusta, just about the time that General Sherman commenced his march from Atlanta. I was then cut off from the reception of answers to numerous inquiries I had made of officers at Andersonville and with the army of Tennessee, and set about preparing the report for the surgeon general. I had just completed the report which I placed in the hands of the judge advocate under orders from the government when the confederacy went to pieces. That report never was delivered to the surgeon general, and I was unaware that any one knew of its existence at all until I received orders from the United States government to bring it and deliver it to this court in testimony. I make this statement to relieve myself of the charge of turning state's evidence, as it were, against those with whom I was formerly associated; it was done in obedience to an order from the government.

Q. Have your sympathies been with the rebellion during the war?

A. Entirely so.

Q. Then your report was made out in the interest of the confederate government?

A. In the interest of the confederate government; for the use of the medical department; in the view that no eye would ever see it but that of the surgeon general. I beg leave to make a statement to the court. That portion of my report which has been read is only a small part of the report. The original report contains the excuses which were given by the officers present at Andersonville, which I thought it right to embody with my labors; it also contains documents forwarded to Richmond by Dr. White and Dr. Stevenson and others in charge of the hospitals. Those documents contained important facts as to the labors of the medical department and their efforts to better the condition of things.

Q. Are your conclusions correctly stated in this extract?

A. Part of my conclusions are stated; not the whole. A portion of my conclusions and also my recommendations are not stated.

Q. Touching the subject of exchange?

A. Yes, sir; the general difficulties environing the prisoners and their officers.

Q. But the condition of things at Andersonville you have correctly described in the report of which this is an extract.

A. I endeavored to do so in that report so far as my means of investigation would allow. I would also state that the results of my examination of gangrene, scurvy, and other diseases have been omitted from the report. They were very extended. I was there for three weeks and made some score of post-mortem examinations. I endeavored, in this report to the surgeon general, to condense the results of all those labors; in fact that was the end and aim of the investigation.

Cross-examined by COUNSEL:

Q. What became of your original report?

A. This is my original report.

Q. Did you make this extract yourself?

A. I did not. My original report is in the hands of the judge advocate. I delivered it into his hands immediately upon my arrival in Washington.

Q. What time did you visit Andersonville?

A. In September, 1864.

Q. How long did you remain there?

A. About three weeks. My report contains the dates I think accurately stated.

Q. You did not confine your labor to the hospital, but went to the stockade also?

A. Yes, sir; both.

Q. You say you saw large pieces of corn-bread lying within the stockade?

A. I did.

Q. Will you describe what kind of corn-bread it was, whether it was fit to eat or had been fit to eat?

A. It looked like the ordinary corn-bread from the bakery; they baked it in rolls six inches by eight inches; it was about one inch and a half or two inches thick; it looked like very good bread; after it lay on the ground for any time it was covered with a fungous growth, and altered after the rain had fallen upon it.

Q. Did you or did you not find any starvation cases amongst the prisoners during your stay in the stockade or hospital?

A. I saw none that I could refer to starvation. I believe the diet was improper for sick men, and that they were not able to relish their food. They had plenty of food in one sense, but it was not of the proper character for sick men.

Q. Why did Union prisoners act as nurses and not confederates?

A. They had not sufficient force, as I was informed, to detail confederate soldiers for that purpose.

Q. In what condition did you find the hospital?

A. In the condition described in the report; in a badly organized condition and with improper shelter.

Q. How many prisoners were in the stockade when you went there?

A. I could not ascertain that fact with accuracy; I have stated about 15,000; they were removing them to different points; I applied for accurate information on that point, but did not get it.

Q. How many were there on the 16th of September; the day so many died?

A. I cannot inform you, as from the constant removal of prisoners there were not accurate numbers kept. I had not access to that minute information which would enable me to speak with certainty, but I judged about 15,000.

Q. Did you see the prisoner at Andersonville?

A. I saw him once.

Q. When was that?

A. It was in September; I do not recollect the date.

Q. On what occasion?

A. I applied to him for permission to enter the stockade.

Q. Did you apply to him for admission before you got the letter from Captain Winder?

A. It was previous to my receiving the letter from Captain Winder.

Q. Why did he not give you a permit to visit the stockade?

A. He did not state it; he said he had his reason for the course he took.

Q. Was he in any way unwilling to accommodate you?

A. He simply stated that he refused me admission for special reasons, and that was all that passed between us. I then applied to General Winder.

Q. When you handed him General Winder's order, there was no more difficulty?

A. None whatever. I will state that Captain Wirz was then sick, or was shortly after that taken sick, so far as my recollection serves me; he was not at his office the day I went into the stockade, and I was informed he was unwell—sick.

Q. You do not recollect on what day you went into the stockade?

A. No; I do not recollect the precise date.

Q. When did you go to Andersonville?

A. I think it was about the 7th of September; my report shows the date accurately.

Q. How long after your arrival there, did you first enter the stockade?

A. I presented my labors first in the hospital; I think I went into the stockade seven or ten days after I got to Andersonville.

Q. Would these prisoners have died in the same numbers if they had been at home instead of at Andersonville?

A. I should say not.

Q. Was it a general thing there for the prisoners to curse the general government, or was it only done by a few?

A. If I recollect aright, it was the time when there was a good deal of excitement in the south about General McClellan's election, and that excitement seemed to pervade even the prisoners. Many of them were desirous of voting for McClellan, in the belief that they would be exchanged, and they spoke about the government in that connection.

By the JUDGE ADVOCATE:

Q. That class of them?

A. That was the reason they assigned for wishing to vote for General McClellan, the idea that they would be exchanged if he were elected.

By COUNSEL:

Q. Did you say anything about vaccination in your report?

A. I saw some cases of injury from vaccination. I do not recollect exactly what I stated in my report on that subject, but I can tell you what I did by referring to it. There were a number of instances, I think some dozen of instances, that I was informed of; I did not see more than one or two instances myself; they occurred previous to my going there. The case which I examined more particularly was a case of amputation of the arm from vaccination, and, upon carefully examining it, I was led to believe that it was in consequence of the condition of the system of the man, rather than from the matter introduced, from the fact that small injuries were frequently attended with gangrene in that foul atmosphere.

Q. You have stated that in your original report you made some remarks upon the conduct of the officers at Andersonville?

The JUDGE ADVOCATE objected to the question, on the ground that cross-examination must be confined to the report that had been produced in court.

The question was withdrawn.

PRIVATE PROPERTY TAKEN FROM PRISONERS.

OCTOBER 7, 1865.

Captain SAMUEL GILMORE, 39th Illinois volunteers, for the prosecution:

I am on duty at Norfolk, Virginia. I did, while on duty, make a seizure of property in the hands of one Garrison.

Q. What were the circumstances?

A. On the 10th of September of this year I sent men to search the passengers on the Richmond boats. The object of the search was to find some watches that had been stolen. The men came came back with a box of watches that had been taken from one Garrison. They were watches that were taken from the Stoneman raiders at Andersonville; Garrison came on with the men. That was his representation. It is George C. Garrison, of Accomac county, Virginia. He stated at that time that he was acting as counsel for R. B. Winder. There were thirty-four watches; also some other trinkets, silver spoons and forks, and some watch chains and lockets. There were some photographs or pictures. There were some two or three ambrotypes; I do not remember the exact number. I recognize the article now handed me as one of the things that I saw at the time in the box.

The JUDGE ADVOCATE. This is a watch chain with a medal attached to it, which is about the only evidence seeming to connect the plunder with our federal prisoners. The watches were marked in no way, and I cannot introduce them in evidence, but this medal bears the inscription, "Darius Morris, company A, 169th New York volunteers, Rensselaer county, New York;" on the reverse is, "Abraham Lincoln, President of the United States, war of 1861."

Q. Is the paper now handed to you one that you received at that time?

A. It is one of the papers that I received from Garrison.

The paper, of which the following is a copy, was offered in evidence, and is as follows:

Received from R. B. Winder, A. Q. M., this 1st day of July, 1864, the following lot of property belonging to federal prisoners, to wit:

Silver watch, No	12,252	R. W. Kelley.
Do	11,697	N. R. Leaver.
Brass watch	37	J. Champany.
Silver watch	13,037	N. J. Smith.
Do	26,326	J. G. Blocke.
Do	23,956	J. D. Wolfe.
Do	8,771	D. Bilman.
Do	546	F. Foster.
Do	161	Jacob Metzger.
Do	14,554	H. Mansfield.
Brass watch and pencil		Nottingham.

H. WIRZ,
Captain Commanding Prison.

CAMP SUMTER, *Andersonville, Ga.*

I have compared the numbers on the watches with the numbers on the list. I did not find the one corresponding with the other.

The JUDGE ADVOCATE. I submit this document to show that the property here referred to passed into the hands of the prisoner, since which time it has not been heard of, and the property found in the hands of R. B. Winder, last September, is not the property herein enumerated.

Cross-examined by COUNSEL:

Q. Do I understand you to say that you searched the passengers on the Richmond boats in September last?

A. We searched the passengers who came down from Richmond and City Point on the 10th of last month for a lot of property. I had received a telegram from the provost marshal at City Point that there had been a heavy robbery committed there on the night of the 9th, and he wished me to search the passengers on the Richmond boat for this property, which consisted of watches and jewelry.

By the JUDGE ADVOCATE:

Garrison came down from Richmond on one of the boats. I did not arrest Winder; he was arrested, I think, before that. I think he lives in the neighborhood of Mr. Garrison; I am not certain.

By the COURT:

I was serving in the capacity of provost marshal.

The JUDGE ADVOCATE stated that the commission would have to vacate their present rooms, and that Judge Casey having tendered the use of the Court of Claims room, that court having adjourned, the commission at its next meeting will assemble there.

The commission then adjourned until Thursday, October 12, 1865, at 10 o'clock a. m.

THURSDAY, *October* 12, 1865.

The commission met pursuant to adjournment.

PHOTOGRAPH OF THE STOCKADE.

The JUDGE ADVOCATE presented to the court and put in evidence a photograph of a drawing of the stockade at Andersonville, made by R. Sneeden, who was an engineer in the prison. The photograph was marked Exhibit 34.

Counsel for the accused proposed to read and offer in evidence two letters from the letter-book of the accused.

The JUDGE ADVOCATE. I will not object to their being read, but I reserve the right of objecting to them as competent evidence.

The PRESIDENT. If the judge advocate is of opinion that the letters are not competent evidence, on what ground can they be read?

The JUDGE ADVOCATE. There are some things in the letters that are proper; while there are other things in them which I may object to have entered on the record.

The PRESIDENT. Has not the whole letter-book been put in evidence?

The JUDGE ADVOCATE. It was put in evidence under a special agreement, subject to such legal objections as may be properly made.

By direction of the court, the agreement between the judge advocate and counsel for the accused in regard to record evidence was read from page 2,779 part XLI of the report.

After further discussion and deliberation the objection was overruled; and the following copies of letters from the prisoner's letter-book were put in evidence:

LETTER FROM CAPTAIN WIRZ COMPLAINING OF THE QUALITY OF THE MEAL FURNISHED PRISONERS.

HEADQUARTERS COMMANDER OF PRISON,
CAMP SUMTER, ANDERSONVILLE, GA.,
June 6, 1864.

CAPTAIN: I most respectfully call the attention of the colonel commanding post, through you, to the following facts: The bread which is issued to prisoners is of such an inferior quality, consisting fully of one-sixth of husk, that it is almost unfit for use, and increasing dysentery and other bowel complaints. I would wish that the commissary of the post be notified to have the meal bolted, or some other contrivance arranged to sift the meal before issuing. If the meal, such as is now, was sifted, the bread rations would fall short fully one-quarter of a pound. There is a great deficiency of buckets. Rations of rice, beans, vinegar, and molasses, cannot be issued to prisoners for want of buckets; at least 8,000 men in the stockade being without anything of the sort. If my information is correct any number of buckets can be got from Columbus, Georgia, if the quartermaster of the post would make the requisition for the same.

Hoping that you will give this your attention as soon as possible,

I remain, captain, most respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison.

Captain A. D. CHAPMAN,
Assistant Adjutant Post.

LETTER FROM CAPTAIN WIRZ ASKING AUTHORITY TO MAKE REQUISITION FOR SHOES FOR PAROLED PRISONERS.

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
CAMP SUMTER, GEORGIA,
February 26, 1865.

SIR: I have the honor to call your attention to the following facts:

There are a large number of paroled prisoners of war, who are doing work for the government, which if not done by them would have to be done by impressment or other hire and thus be a heavy expense to the government. These men are, almost without exception, barefooted, having been so long at work that what shoes they had are entirely worn out. I wish to know if I cannot be authorized to make a requisition on the quartermaster department to supply their wants in this line, or else buy the leather through the quartermaster and have the shoes made, as there are plenty of shoemakers among the prisoners.

Recommending the statement to your favorable consideration, I am, sir, very respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison.

G. W. MCPHAIL,
Aide-de-Camp and Assistant Adjutant General.

Counsel for the accused reminded the court that, with his consent, the judge advocate had reserved the closing of the case for the prosecution; but the defence was now so near to the close of its case that he thought it just that the judge advocate should be called upon to examine the remainder of his witnesses, so that the defence might meet any point that should be covered in their testimony. He contended that in all cases—including the case of the assassination trials and that of General Briscoe—where the defence objected to the prosecution closing its case temporarily, the prosecution was compelled to go on and conclude its case before the defence commenced.

The PRESIDENT corrected counsel in his citation of the conspiracy trials as a precedent for his position; that was rather a precedent on the other side, as witnesses for the prosecution and witnesses for the defence had been in that case examined without regard to order.

General THOMAS. I understood counsel to state distinctly that he agreed to the proposition of the judge advocate, that he was to bring in other testimony.

Mr. BAKER. Yes, at one time.

General THOMAS. And now you want to cut him off from the privileges which you yourself consented to.

Mr. BAKER. The defence is so nearly through that I think we ought to have the rest of the case for the prosecution.

The PRESIDENT. For my part if the judge advocate is prepared to introduce the remainder of his testimony, I see no objection to his doing so.

The JUDGE ADVOCATE. I can only say that, acting under the agreement acceded to without objection by counsel for the accused, I have subpœnaed witnesses who will be here within a day or two—witnesses not so important to the defence as they are to the general charge of conspiracy, and I would rather not be cut off from the privilege of introducing them.

The PRESIDENT. If the judge advocate is not ready to introduce the rest of his testimony, he cannot, of course, under the agreement, be called upon to do so.

Colonel ALLCOCK. It was agreed at the time, that the evidence which the judge advocate should introduce would not be evidence directly against the prisoner, so that he cannot suffer by it.

Mr. BAKER. I do not suppose he will, only I think that as the judge advocate recommenced the case for the prosecution at the last meeting of the court, he should go on now and complete it.

The JUDGE ADVOCATE. I would be glad to do it if I could.

The PRESIDENT. Counsel will proceed with the case for the defence.

THE DIFFICULTY OF PROCURING PROVISIONS FOR THE REBEL ARMY.

OCTOBER 12, 1865.

Lieutenant Colonel F. G. RUFFIN, for the defence:

I reside near the city of Richmond, Virginia; I was, by promotion in the latter part of the war, lieutenant colonel in the subsistence department of the Confederate States armies. All my duties from the commencement of the war until I resigned, a month or two before its close, were in that department and nowhere else. My duties were not by rank or by appointment, but, in fact, those of assistant commissary general. Those duties were performed altogether in Richmond, so far as my residence was concerned, but embracing every portion of what was then the southern confederacy.

Q. State to the court what you know in reference to the lack or deficiency of commissary supplies in that department.

A. I hardly know how to commence answering that; I can only say that from the beginning there was more or less scarcity; that that scarcity was apprehended from the beginning by the commissary department; that steps were being taken all the time, with more and more earnestness and energy and anxiety, as the war progressed, to obtain supplies, especially of meat, which in that section of the country had always been insufficient for the support of the inhabitants of that country; that that scarcity which did exist to a certain degree at the beginning of the war, and to a greater extent than it had existed before—because our wholesale men, apprehending the storm that was impending, had foreborne to import their usual supplies of meat through that section—that that scarcity commencing in that way increased in all sections to absolute privation; I do not mean to say the point of starvation, but to the point of privation.

Q. Was that the case in respect to nearly all supplies, or in respect only to particular supplies?

A. It was the case more or less with reference to all supplies, some of which we had not in sufficient quantities even for hospital purposes. Some of the articles of daily domestic consumption, and of regular army and hospital supplies, were not to be had at all at some times, and at all times in diminished quantities. Coffee, for instance, was the most important of that class of articles.

Q. Can you name other articles that were deficient?

A. I did name meat; flour became very deficient. For instance, General Lee's army, at the close of the war, was living on corn meal, it being impossible to obtain flour for them. We had accumulated in Richmond a supply of 30,000 barrels of flour for General Lee's reserve, when the campaign on the Rapidan commenced. That was in the spring of 1864. The whole of that reserve of flour was consumed by Union prisoners; and the battles of the Rapidan were fought—if my memory serves me correctly, and I think it does—entirely on corn meal for a bread ration, brought mainly from the State of Georgia.

That brings me, as you requested me to name other articles of which there was a scarcity, to vegetables. They were so scarce that General Lee, when he was at Cold Harbor, I believe, or perhaps a little before that period—certainly not after it—made an urgent application to the secretary of war to have vegetables; that if he could only get in these rations for men who were suffering, some from scurvy, some from diarrhœa, in consequence of the diet, the men would be enabled to return to the field. The commissary department imported,

as the only thing they could get and the best thing, onions from the island of Bermuda, through the blockade. These were in insufficient quantities, but still they were a great relief. As a general rule, vegetables were out of the question; so it was also in regard to sugar, after the fall of New Orleans.

Q. What can you say as to privations among the inhabitants generally?

A. As to the inhabitants of Richmond I have a special knowledge.

The Judge Advocate objected to special testimony about the inhabitants of Richmond.

The WITNESS Generally, then, throughout the whole southern confederacy, the privation applied to all classes, it was a matter of great anxiety with all to get enough. Municipalities and incorporated companies were all, so far as I know, making ceaseless applications to the secretary of war to be permitted to buy without having their supplies impressed by the commissary department. They were permitted to buy in such instances, and the consequence was that the buying outside of the schedule prices that limited us rendered it more difficult to obtain the provisions than it would otherwise have been.

Q. Was that privation confined to any class, or did it affect rich and poor alike?

A. They were all alike so far as I know. Of course those who were well off did better than those who were very poor, as is always the case under such circumstances, but the privation applied to all classes. The only exceptions that I know were a few parties who had made provision against want at the commencement of the war, and those parties who, by running the blockade or by speculation, had made enough to enable them to command the necessaries or comforts of life, no matter at what price.

Q. Do you know how the scarcity affected the hospitals?

A. If the question is to hospitals generally, I do not know. My direct information in relation to hospitals is altogether local; I was enabled from peculiar circumstances outside my official duties—which did not lead me to have anything to do with hospitals or with any special department where food was distributed—to know that in the hospitals at Richmond they had to rely in a very large measure on the voluntary contributions of individuals for such comforts as the medical purveyor's office could not supply. I do not say that they had to rely in a majority of instances on them, but that they had to rely upon them in a very large measure I know.

There were three causes of that great scarcity. One of them I have already named—the general fact that the southern States, growing other staples, had been in the habit of importing meat always for their own subsistence. In Virginia, for instance, a good deal of the meat consumed was obtained from Cincinnati, although Virginia itself always produced pork and bacon, but never in a sufficient quantity. I do not suppose it exported any. That was one cause. Another cause was the derangement in railroad transportation, which existed from the beginning, and became worse and worse as the war progressed. Another cause was our own depreciated currency. The depreciation very soon commenced, and it increased to such an extent that numbers of holders of property were unwilling to sell. The articles they had were worth more to them to keep than the money they would get for them. The consequence of that was the passage of an impressment law, and the consequence of that law was to produce hoarding on the part of the people to repress production and to make it more difficult to obtain supplies, so that——

The JUDGE ADVOCATE. You need not argue the case.

The WITNESS. I am only recapitulating.

Q. State the causes of the derangement in your communications.

A. I was in another branch of the service, and can only speak of general causes. One of the causes, particularly towards the last of the war, as affecting

us in Georgia, from which we drew a quantity of our supplies, was the raids upon our railroads.

The JUDGE ADVOCATE. State what time you refer to.

The WITNESS. It is very difficult to chronologize these events; but the most striking injury of that kind was in 1864, when we had a succession of raids, at long intervals, but extending from Weldon—including the South Side railroad—to Petersburg and the Danville road down to Georgia; all around, east and west.

Q. State what the privations were, and whether they generally affected large numbers of persons.

A. They affected the whole confederacy.

Q. State what the army lived on at any particular time.

A. In the spring of 1862, when our army was withdrawn from the peninsula, the meat ration was reduced one-third. (To the court.) It was the usual army ration, three-quarters of a pound of meat, I believe.

Q. After that, and down to the close of the war, how did it continue?

A. When the army wintered from Gordonsville down along the line of the Central railroad, the rations were reduced to a quarter pound of meat per day. The same reduction was ordered everywhere else. General Bragg had drawn on the reserves which we had accumulated at Atlanta for General Lee's army, he being unable to get a supply from Tennessee, and that compelled the order for reduction. The generals all remonstrated, and said they could not keep their armies together on that. At last General Lee remonstrated; his army subsisted for some time, I do not recollect how long, on that quarter pound of meat per day, which was afterwards increased to one-third of a pound; and all his battles were fought upon one-third of a pound of meat per day.

In both years from the time he wintered on the Rapidan—in 1863–'64, and then in 1864–'65. The bread ration was reduced at the same time. Our original ration had been 18 ounces of flour per day, I forget what it was in corn-meal; it was presumed to be an equivalent. The bread ration, as I say, was also reduced, and when General Lee wintered from Gordonsville on the line of the Central railroad, we were compelled to give the troops coffee in order to eke out the rations. We obtained the coffee by running the blockade at great expense and risk. The supply of coffee was very scarce. The quantity that the men got was less than they were entitled to. I only know the fact that it was very much reduced, and that only men in the field had it; officers at posts, and men on post duty, or at posts, did not have it.

Q. State the whole ration. You have stated bread and meat; anything else?

A. Nothing further than sugar and coffee. Occasionally the men got issues of vegetables, principally rice and peas. What was the precise apportionment of the ration I forget. As to other items of the rations, their supply was all in reduced quantities. I cannot answer arithmetically what proportion of the whole ration our men had. I should judge—but it is a mere matter of opinion; I do not say it as a fact that I can establish; I could not without referring to documents not in my possession—but I should say the ration was less than two-thirds of the original, the meat alone being reduced to one-third of a pound. I say that cautiously; but I am very certain that I am within bounds when I say it was less than two-thirds the full ration.

Q. How was it, with these limited supplies, as to citizens, hospitals, prisoners, &c.?

A. Between the citizens and the army there was a constant struggle to get provisions. In regard to hospitals, they had the preference, as far as we could give it to them. The prison hospitals also had the preference, the sick in the prison, as far as I know. Of course I know nothing, and pretend to know nothing, about the interior management of the prison. I only speak of the orders under which we acted. The sick prisoners were expected by us to have, and,

so far as I know, did have, precisely the same as our sick. The prisoners who were well received precisely the same rations as their guards did; they got what the soldiers who were considered as being at post, and on light duty, were allowed, that is, our own soldiers. I know that was the order. My knowledge extended more or less into all the other departments. I was in Richmond, very near to the various departments of the government, for four years, and was compelled to know a good deal about what was going on in those offices. I know there was a deficiency in both those two great branches of the quartermasters' department, to wit, railroad transportation and wagon transportation, all the way through.

Q. How was it in 1864, and up to the point in 1865 when the war was closed?

A. It was much worse than it had been. We regarded the railroad system of the south at that time as completely broken down.

Cross-examined by the JUDGE ADVOCATE:

I do not mean to say that the railroad communication between Richmond and the southwest was cut off; it was simply interrupted. I can hardly tell you when it was interrupted, because events were so rapid in passing. The most serious interruption that we sustained in the efficiency of railroad transportation was in July, 1864, when Kautz's raid cut the Danville railroad. That interruption continued, as well as I recollect, twenty-one days. It caught us in Richmond with nine days' rations in flour on hand for General Lee's army. The wheat in Virginia was all consumed except the harvest just gathered, or in process of being gathered A large quantity of that wheat was shocked, standing in the field. A good deal of it was uncut. We had, out of that fund, to feed General Lee's army around Petersburg, at the time of the raid and subsequently. We made an accumulation of fifty to sixty thousand barrels of flour from that source in two months. How long that subsisted the army, I do not recollect. I say that the connection with the southwest, from which we drew the principal part of our supplies, was cut off during the summer of 1864. It was broken entirely for a period of twenty-one days. The connection was resumed at the end of twenty-one days. It did not continue unbroken; it was unbroken for some considerable time; but it never furnished sufficient supplies for our wants. Long before our railroad connections were broken by your raids, we had felt a deficiency in transportation, although the roads were running. We found it impossible to get supplies from the southwest in adequate quantities. My observation was not confined principally to Virginia and General Lee's army. The armies in the southwest fared better than General Lee's army, because they were in Georgia, where there was more abundance. They could not draw from the east. After Sheridan's raid up the valley, which destroyed an immense quantity of supplies there, and threw a large portion of that community, which had before been feeding us, into the market competing against us for supplies, our supplies had to be drawn from southwestern Georgia; and then, because of the difficulties of transportation, we suffered. I know only so much of the details in the working of my department as a staff officer would be expected to know, located at headquarters.

Q. With reference to the subsisting of particular brigades or divisions, or small armies, you did not pretend to know?

A. With reference to a distinct organization as an army, I had knowledge; but whether Major C. fed his brigade properly or not, was a question with which I had nothing to do. If I saw that an army was supplied with what I could get for it, my duties were discharged. The details after that I knew nothing about except incidentally; but it was not my business.

Q. For instance, you would not pretend to know how the prison at Andersonville was managed?

A. On the contrary, I would not only not pretend to know, but I insist on it that I do not know. I could not know. I would have been acting without the line of my duty if I did know it, except accidentally; and, accidentally, I do not know anything about it. I know specifically about the subsistence of the federal prisoners. I am intimately familiar, or was before things had been removed from my memory, with the whole treatment of the prisoners at Richmond from the fall of 1863 until February, 1864. I know nothing about Andersonville except this: that at the time the prisoners were consuming General Lee's reserve of 30,000 barrels of flour, the removal of prisoners from Richmond to the seat of plenty was urged by the commissary department. After a while, after they had consumed the reserve, they were removed to the seat of plenty. It was found to be impossible to subsist the army of the Potomac plus the prisoners, and the prisoners were sent to the place of comparative plenty, or to the place of supply. I mean to say this: that I do not know that any man died of starvation directly; but I do know that many men in our service lost their lives in consequence of having been fed on improper and inadequate subsistence, which caused them to be taken to hospital, where they died from the same cause. I know that by having heard it; it was a matter of common repute. I have never witnessed it, but I have heard it so as to be testimony. I think our soldiers continued to fight up to the end of the war; but they fought in greatly reduced numbers.

By the COURT:

Indeed I do not recollect how many prisoners we had at Richmond. It strikes me—but I have a bad memory for figures—that at the time they were consuming this 30,000 barrels of flour, I heard a complaint that there were 9,000 prisoners there who could easily be sent somewhere else; whether that was the whole number I cannot tell; that was not the time General Lee was at Cold Harbor; it was at Cold Harbor that General Lee made a requisition for vegetables; it was when General Lee was at Orange Court-house, Gordonsville, and that country; it was the winter preceding the campaign on the Rapidan—Grant's campaign. One of the objects of sending prisoners to Georgia was to get them to what was considered a good region of country; unquestionably so far as our department was concerned it was the only object we had in view; it was known in our department because we were drawing supplies from Georgia to feed General Lee; I do not know of any orders in my department regulating the quality or quantity of rations issued to prisoners in hospital; if I ever knew it I have forgotten it; our department was never in the habit of interfering with the officers in command of posts as respects the issue of rations to prisoners; we interfered to this extent, and that perhaps will answer the question: at one time the commissary department was limited by an order of the secretary of war in the prices it was to pay for everything; the commissary of prisoners at Richmond bought outside that order at higher prices than we paid, rendering it impossible for us to obtain supplies; then (and that was the period at which I say I was intimately acquainted with the treatment of prisoners at Richmond) the commissary general required that the commissary of prisoners should draw his supplies from him, and he did so draw them; that was the time this flour was consumed. During the whole war the understanding at the head of my department was that the prisoners were receiving the same rations as our soldiers were receiving, except that after our rations were reduced, as I tell you they were, and we eked them out with coffee, neither the prisoners or their guards, nor soldiers on light duty, nor officers at posts received coffee or sugar, except the hospital prisoners. If there was any difference in that respect between the rations issued to the prisoners at Andersonville and the rations issued to our soldiers in the field or in the garrison, I think it would have been in contravention to the understanding of the head of our department. I do not know necessarily what was the under-

standing of the head of my department or any particular officer; I know only generally on the subject. If so, I suppose the commandants of prisons would be responsible for it; I don't know who else; my general information on this subject and my particular information was that the secretary of war had ordered that prisoners should receive precisely the same rations that light duty men received; I have seen that order in the secretary of war's handwriting.

Q. (By COUNSEL.) At the time you say that Lee's army was on the Rapidan what was the number of Lee's army?

A. I am not prepared to speak fully on that subject, but I have always understood that General Lee's army at the time the actions commenced there was about 55,000 men.

Q. Running down a period of how long?

A. I never inquired what was the strength of his army while it was in camp; it was only when the battles had commenced and we were considering the odds and our chances under them that I did inquire.

By the COURT:

Q. When alluding to the Weldon and Danville railroad being cut and interfering with the supplies, you only allude to the supplies at Richmond, and not that the southern States were affected by it?

A. Of course not; the southern States were affected by other raids, but not by that.

ACTS OF CRUELTY COMMITTED BY WIRZ.

OCTOBER 12, 1865.

ROBERT H. KELLOG, for the defence:

I was a prisoner at Andersonville. I cannot state the number of prisoners coming into the stockade there daily during the summer of 1864, while I was there, with accuracy. We received prisoners nearly every day, from 100 to 800 or 900—1,100, I believe, is the most I ever remember being received in one day; that was during the summer, while the fighting of the army of the Potomac and Sherman's army was going on. The prisoners from the army of the Potomac as they came in, were, as a general thing, destitute of blankets, haversacks and everything but the clothes they had on.

By the JUDGE ADVOCATE:

I mean when they came into the stockade.

I was in the stockade from May 3, till September 10, 1864. During the time I was there, I cannot say that I ever knew or heard of Captain Wirz kicking, striking, or shooting a prisoner so that he died, that I remember. I have written a book descriptive of Andersonville prison. The title of that book is "Life and Death in Rebel Prisons." I left it in the hands of Colonel Chipman, the judge advocate.

Cross-examined by the JUDGE ADVOCATE:

Question. Did you never hear of Captain Wirz ill-treating any prisoner of war in his custody?

Answer. I do not remember any special case of ill-treatment. I speak of nothing of that kind in my book, that I recollect now, not of my own personal observation.

The JUDGE ADVOCATE. I am not speaking of your observation.

WITNESS. I don't remember having heard it. I state that in my book I relate no instances of personal cruelty committed by Captain Wirz, as I understood it, that I recollect. I do not say that I never heard any complaint made with regard to Captain Wirz's brutal treatment of prisoners. His character was cruel

and brutal, and we all understood that perfectly well. We understood that from hearing his language, which was insulting and profane; and from the general treatment there in the prison. We saw that we were badly treated and miserably provided for; and we naturally supposed that he, as commandant of the prison, was, in a great degree at least, responsible for it; we supposed, of course that somebody was responsible for it. There was discussion there among us with regard to how he would treat prisoners when they arrived and afterward.

Q. What was said about that?

Question objected to by counsel for the accused.

The court, after deliberation, overruled the objection.

The WITNESS continued: I stated before that I did not recollect any instance of cruelty. I have called to mind one that I do remember. It was the time some of Sherman's raiders were captured, and were brought into prison robbed of nearly everything. I have seen some of them with merely a shirt and pants, no hat, shoes or coat; and I have heard statements of those men that they were searched outside before they were brought into prison, and robbed of everything, even their pocket-knives, photographs, pictures, and things of no value; and I have heard the statement of other prisoners who have come in there destitute of nearly everything, telling how they have been robbed of them. Captain Wirz was always very rough and brutal in his mode of conducting business, so far as I saw; and he was not very choice in his selection of names for the Yankees. I do not say that he did not kick, beat, or shoot to death a prisoner, but I say that I do not know it myself. Well, I don't recollect now, if I speak of instances of that kind in my own book. We all knew his reputation and character for cruelty; but I do not now remember any special act I was there when Chickamauga was killed.

Q. What was said about that?

The question was objected to by counsel for the accused.

The PRESIDENT stated that the objection involved the same question which had been previously ruled upon by the court.

The objection was withdrawn.

The cross-examination of the witness was here suspended on the suggestion of the judge advocate, in order that he might send for the book referred to in the examination in chief.

After a short interval the witness was called and the cross-examination resumed.

Q. State what you heard with reference to the killing of Chickamauga.

Objected to by counsel for the accused and question withdrawn.

Q. Am I to understand you from your answer to counsel that you did not hear of certain things, that those things did not occur?

A. No, sir; not by any means.

Q. Am I to understand that the cruelty and brutality of this prisoner was not a matter of common talk and discussion among the prisoners at Andersonville?

A. No, sir. On the other hand it was true. We all understood him to be a cruel, over-bearing, heartless man.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Q. State to the court the general impression and feeling of the camp towards the organization known as the "regulators."

A. After these six men were hanged we had peace and quiet there for a while; but we soon began to look upon the "regulators" on a par with the old raiders. It was on the principle of diamond cut diamond. They were about the same class of men.

By COUNSEL:

Yes, I think the "regulators" did some good by their organization, at first. I think that hanging the six raiders was one good act.

Q. And you think that, like the common fault of all organized authorities, they gradually deteriorated?

A. Yes, sir; they deteriorated very much.

THE DIFFICULTY OF PROCURING PROVISIONS FOR THE REBEL ARMY.

OCTOBER 12, 1865.

Major S. B. FRENCH, for the defence:

I reside in Richmond, Virginia. For the last two years I have been in the bureau of subsistence at Richmond. I have been a major on duty in the commissary department, under the commissary general. I was for the first two years of the war with the army in the field, up to the winter of 1863-'64.

Q. Do you know anything in relation to the deficiency of supplies in the army? If so, state it.

A. I only know that while we were on the peninsula, in 1862, an order came from the secretary of war directing that the rations should be reduced from three-quarters of a pound of bacon to one-half a pound, it did not affect the other parts of the ration. We had bacon and flour as a general thing at that time, coffee and sugar—only half rations of coffee though—salt and vinegar in small quantities, and occasionally soap, very rarely. The supplies diminished, of course, as the war progressed. In the winter of 1863–'64, the army were on a ration of a quarter of a pound of bacon or a bound of beef for some time. Finally the ration was increased to a third of a pound, and during the campaign of 1864 it continued at a third of a pound. The latter part of the campaign they were compelled to reduce the ration of bread to a pound of meal or a pound of flour. We very rarely had any flour though.

Q. Do you know anything about the deficiency of vegetables?

A. I know that during the summer of 1864 General Lee wrote a letter to Mr. Seddon, the secretary of war.

The ASSISTANT JUDGE ADVOCATE. You need not state anything about the contents of that letter.

WITNESS. The secretary of war sent for me to come over to the war department. He showed me the letter. In consequence of that letter, he sent a telegram to Wilmington for the purpose of ordering any vegetables from Bermuda, not being able to procure them otherwise. That was done to a very limited extent. We could not obtain those vegetables from any other source; otherwise we would not have ordered them brought.

Q. State what you know in relation to the deficiencies in your department generally.

A. I know that at the city of Richmond we were frequently without more than a day's ration on hand, and I think I am safe in saying that for the five months preceding the evacuation, we never at any one time had more than ten days' supplies on hand for the army of General Lee and the subsistence of prisoners. When I speak of supplies I speak of it in limited quantities, the regular ration that had then been ordered; the ration varied, of course, as to bread and meat. It was about two-thirds of the regular ration of meat and one-fifth of bread. It was the desire at one time to make up the deficiency by an increased ration of bread, but we found it impossible—we could not do it.

Q. Do you know anything about the consumption by Union prisoners of a quantity of flour reserved for Lee's army? If so, state it.

A. I know that during the winter of 1863–'64 we deemed it very important that we should retain as far as practicable on hand for the spring campaign which we anticipated, in fact it was at the instance of General Lee that we did it, but in consequence of the impossibility of getting supplies from the south, owing to the railroads being engaged, we had to consume this reserved flour for

the subsistence of Union prisoners then stationed at Richmond. When that was consumed Lee's army subsisted solely and entirely upon corn-bread during the summer. The supply of that was deficient of course, because we had to reduce the ration from a pound and a quarter of meal to a pound, and General Lee very frequently complained of the reduction.

Q. Do you know anything about a discussion among the officers of the war department, or the government generally, in relation to sending Union prisoners south? If so, state it.

A. I only know that the commissary general was exceedingly anxious upon the subject of the transfer of prisoners to the south where they would be more readily subsisted. In fact he stated that if they remained in Richmond the railroad transportation was not sufficient to subsist them therein addition to the army of General Lee; and he was desirous that they should be sent where they could be more readily fed.

The discussion was some time previous to their removal.

Q. Do you know anything about the subject of supplying fresh meat or things of that kind?

A. I only know that the supply had been entirely consumed; we would never get sufficient for a day's ration of anything of that kind; it was only to be had in very limited quantities.

Q. Do you know whether the inhabitants suffered in the same way as the army?

A. I know of no individual cases; I could only speak from mere rumor. I know that frequently there were referred to the office of commissary general letters received from the commissioners of different counties and towns asking that certain amounts might be set aside for the subsistence of their inhabitants, that they might not be compelled to draw upon them for their tithes—that there was not food sufficient to supply the inhabitants.

Cross-examined by the ASSISTANT JUDGE ADVOCATE:

I served in the army then commanded by General Johnston, the army of northern Virginia, in the years 1861 and 1862. I was ordered to the bureau of subsistence in 1863, and continued there until the close of the war. My duties were general. They did not confine me to the city of Richmond. I was not assigned to duty at any other point. It was not my duty to go to any other point. The vegetables I have spoken of as being ordered from Bermuda were for General Lee's army exclusively. The ration during the peninsula campaign of 1862 was not reduced in anything but bacon. I think the order was general for all the armies. It was issued by the secretary of war; I understood the increase from a quarter of a pound to a third of a pound in the winter of 1863–'64 was general. When I spoke of the rations in Richmond seldom being sufficient for more than one day and never for more than ten days, and when I spoke afterwards in reference to two-thirds of a ration of meat and one-fifth of a ration of bread which could not be made up, I did not intend to embrace in my answer any other rations than those issued to the army in Virginia. The flour I have spoken of as being necessary to retain in the winter of 1864 for the spring campaign, was retained at Richmond for Lee's army.

Q. You say that the railroads were in such a condition as to prevent supplies of flour and other articles from being sent to Richmond?

A. Supplies of corn I should say; we did not draw flour from any southern State, except in very small quantities, because it was not raised there as a general thing. The want of facilities to transport corn was what made the corn scarce; I think entirely so. It was in the winter of 1863–'64 that the commissary general thought that the prisoners had better be sent south. I think there was a very large number of prisoners in Richmond at that time; I think all of them, or very nearly all, were sent away; I do not know how many were sent away; I know

that some were sent away merely by the general statement; I never saw any of them *in transitu*. I do not know whether the prisons at Richmond were emptied at any one time; I do not know that they were not; my impression is that very nearly all of the prisoners were sent away some time during the spring of 1864; I am not positive about the time, I think it was during a portion of the time Grant's army was in front of Richmond. I never in the line of duty visited the southern States. I do not of my own personal knowledge know anything in regard to the supply of vegetables in the southern States, the growth of vegetables in the country surrounding Andersonville, or the growth of any particular articles of food or subsistence. The scarcity of supplies was considered general with us. The ration of bacon was reduced at one time to half a pound, but subsequently increased from a quarter to a third; I think that was general. The meal ration was increased to a pound, and I think that was general. There was no reduction that was general, because that was about all that composed the ration; during the last one or two years of the war we did not have sugar and coffee. The ration was composed then of a third of a pound of bacon and a pound of meal or a pound of beef. In reference to vegetables I do not know anything except so far as regards the issue to Lee's army. I did not have anything to do in my office with furnishing supplies for Andersonville. I do not know anything about those supplies.

By the COURT:

I do not know whether the reductions of which I have spoken were in force at Andersonville. The corn meal was furnished to General Lee's army unbolted.

(By COUNSEL.) I understood that the ration issued to our army was the same as that issued to the federal prisoners. I learned that in the way of my business.

(By the ASSISTANT JUDGE ADVOCATE.) In reference to that, I know nothing except what I heard the commissary general say.

By the COURT.

If there was any reduction in quality or quantity of the rations issued to the prisoners at Andersonville, it would, as I understood, have been in violation of existing order. If so, I should think the officer in charge of the prison would be responsible if he knew the facts. I have said that I was never at any time able to get more than ten days' supplies for the army; we were very often without a day's supplies.

Q. And the army then went without anything?

A. Very often, at the city of Richmond. I saw on one or two occasions a despatch from General Lee that he had no provisions on hand, and he told me himself, in frequent conversations which I had with him during the winter of 1863–'64, that he was frequently prevented from making movements owing to the fact of not having subsistence furnished to his men.

Q. He might not have sufficient subsistence for his army to go on the march, but the question is, whether they were on any one day without sufficient supplies?

A. No, sir; it was remedied as far as practicable—in frequent instances by application to the citizens of Richmond—going around and borrowing supplies of them.

That army got supplies every day except the days which I mentioned, when General Lee telegraphed that his army had been without meat, but I think he had bread every day.

MEDICAL TESTIMONY.

THE AUTHORITY OF CAPTAIN WIRZ OVER THE HOSPITAL.

OCTOBER 12, 1865.

Dr. G. G. ROY, recalled for the defence:

I arrived at Andersonville on the 1st of September, 1864, and was put on duty on the 6th of September, 1864. I remained there until the winding up of the place. I was there until about the last of April or the 1st of May. I was there under General Wilson's instructions for three or four weeks; I then had charge of the hospital. I never while at that hospital knew Captain Wirz to take any prisoner away from the hospital for any purpose whatever—not unless he wished to parole him for work outside. If a prisoner requested to be outside, Captain Wirz very frequently did so; for instance, if the man was a shoemaker or anything of that sort; I have known several occasions when prisoners who had been paroled were detailed by him outside for that purpose, as the prisoner desired it. The rations for the hospital were drawn through the chief surgeon. The chief surgeon made requisition directly upon the commissary, and the commissary furnished the rations. Capain Wirz had nothing whatever to do with that. The sick were removed from inside the stockade to the outside before I went there. I found when I arrived at Andersonville a number of boys in the hospital; most of them were detailed to act in some capacity as nurses or attendants in the hospital.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

During the month of September Captain Wirz was sick; I did not see him except on one occasion; that was at his house. I was called to take charge of a number of assistant surgeons to go and attend a collision that occurred, which happened just about half a mile below Captain Wirz's house. He was sick two-thirds of September, if not all of it. During that month he was sick most of the time; in other words he was not on duty. My going to his house was altogether accidental; I did not attend him professionally, but I had to pass there in going a half mile below his house to reach this train that had run off the track. There were a number of killed and wounded. I stopped at his house, and, if the court will excuse the expression, I took there a drink of whiskey and a cup of coffee. He was not in bed; he was unable to be at his office in Andersonville.

THE CHARGES OF MURDER AGAINST WIRZ.

I have sometimes in the hospital dressed the wounds of men who had been injured, but generally my assistant did that. I never dressed one who had been wounded with a pistol or a revolver there at Andersonville; I never knew of any such case; I never knew or heard of Captain Wirz shooting or beating a man to death while I was at Andersonville.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

I had knowledge of the condition of Captain Wirz's arm while I was at Andersonville; I saw it often. I tried to treat him, but he would not let me do so; not, I believe, because he had not confidence in my treatment, but he thought it might get well of itself; that was his expression.

The prisoner at the request of Mr. Baker removed a portion of the covering from his right arm.

Q. Examine the prisoner's arm and see what is its present condition, and state what was its condition then as compared with its present condition?

A. (Witness having made an examination.) In a few days after I got to Andersonville I saw Captain Wirz's arm; I examined it and advised him to let it be treated; I did not want to advise him, being a stranger to me, to let me treat it, but I told him it ought to be treated. He always carried it wrapped in a towel. It is now as bad as it was the first day I saw it. I could not give an accurate answer as to whether it is any worse now than it was then, because I did not just now take off the cloth that enclosed the ulcer. I looked upon it as a gangrenous ulcer. I observed the condition of his hand; I saw him every day. Those two fingers, ever since I have known him, have been disabled as they are now. From my knowledge of his arm and my professional knowledge, I do not think he would be able to strike a man and knock him down with that arm. I should not think he would be able, in any way, to strike a man down with anything in the hand of that arm. He might defend himself with that arm in its disabled condition, in a certain way; I mean he might feebly defend himself, but it would not be such a defence as I would like to have. I think he could not with that arm or hand grapple or shake any one. I have not seen Captain Wirz's left shoulder; I have not examined it.

SHOOTING OF PRISONERS BY THE GUARDS.

I never knew or heard of any confederate soldiers getting a furlough for shooting a Union prisoner while I was there.

Cross-examined by the ASSISTANT JUDGE ADVOCATE:

While at Andersonville I had nothing to do with the camp whatever. My headquarters, as I called them, were in the hospital, and my house, where I resided with my wife and children, was about two miles off. I was often in company with Captain Wirz, socially. We did not have quarters near each other; his quarters were upon the opposite side of the depot and mine were in the hospital. Our quarters were at least half a mile apart. We met about 1 o'clock every day in this way: I would go from my quarters about the time the mail came down from Macon, and Captain Wirz and I would meet at the depot looking for our mail. I was not with him except on certain occasions, which I can mention. I can remember some other occasions when I met him, besides at the depot; but so seldom that they did not impress me. I would say to the court that I rented a house two miles from Andersonville, and I had there my wife and children. I usually visited the hospital between eight and nine o'clock. I always had an officer of the day, who was responsible for the administration of the hospital during the day and night. In coming to the hospital I did not go by Captain Wirz's headquarters by nearly a quarter of a mile. I went directly to the hospital and attended to my duties. Very frequently I would stay there after I got through my duties, to see the prisoners play cricket, and things of that sort, just to look at their amusements. I very seldom saw Captain Wirz except at the depot.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

I never saw Captain Wirz engage in any effort to defend himself against attacks of prisoners or anything of the kind. I have never seen him defend himself in any respect. I have never seen him in any belligerent motion whatever. My opinion with regard to the disability of his arm is simply a scientific one; judging from its nature and appearance, that it would not be a very serviceable arm in such a contest, and that is all I know about it. I judge from the knowledge of the nature of the wounds; I do not know anything about what caused that wound. I have not any idea. In September, 1864, I first examined that arm; I cannot say what part of the month; I don't recollect. I examined it under very peculiar circumstances. It might not have been as

late as October. I examined it at General Winder's headquarters. General Winder had a rising, as he called it, in his ear, and I went up to examine it; Captain Wirz was up there and I at the same time examined his arm. I cannot recollect the date. I cannot answer as to whether it was one, two, or three weeks after I reported for duty. I never knew anything about the prisoner's breaking his arm. I think the prisoner never broke his arm. I never heard that at Andersonville. He was connected with another prison. If they had done it at Richmond while he was on duty there, I had no knowledge of it whatever. From the examination I made at the time, I could not state that it was a fracture; I could not state whether it was the result of a gunshot wound or not. The prisoner did not positively decline to have me treat it, saying that it would get well of itself. He is a doctor himself; and he remarked that he thought he could treat it. He has two diplomas which I have seen.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Captain Wirz's headquarters, when I first arrived at Andersonville, were in a tent adjoining Dr. White; I met him very frequently then because I had to pass right by his tent door to go over to the depot. I cannot answer how long that tent was there; it was there a week and a fortnight: I think, probably a month; it was in the month of September. I met him very seldom, because he was brought in in an ambulance; he came to his office to look over his records, and was carried directly back. I cannot say if that was the case during all that month; it was so, so far as my knowledge goes, most of the time during that month.

Q. When you say that he was sick, you do not mean to say that he was so sick that he did not come to camp?

A. He came there. He was reported as being unfit for duty by the surgeon who was attending him; I believe it was Dr. White or Dr. Stevenson. So far as I know he did not come in camp every day in an ambulance. Let me make an explanation. Captain Wirz occupied half of a house owned by a man named Boss; about two miles from Andersonville. During the month of September he was most of the time unable to perform any active military duty. There was no one, so far as I know, to occupy his place in his office, because his duties were very peculiar; and he came down in an ambulance whenever he was able, whenever his fever was off him or whenever he was able to look over his list, which was made out by a man named Martin, who was a paroled federal prisoner and who was his clerk.

By the COURT:

I cannot tell how often he would come; he would come probably once a week in one week, and probably twice the next week.

By the ASSISTANT JUDGE ADVOCATE:

I do not know of my own knowledge the days when he staid away; I judge from my personal knowledge. I do not know during the month of September when he did not come; I am not a chronicler of time. In September no one was assigned to his duty; his clerk, Martin, had control; in other words, he exercised the power; I do not know that he exercised the whole power. I know that he had a clerk there, and he was a federal prisoner. I know that he performed a part of Captain Wirz's duties, but I do not know that he did all. He performed simply clerical duty, so far as my knowledge goes.

THE RATIONS.

OCTOBER 12, 1865.

JAMES W. ARMSTRONG, for the defence:

I reside in Macon, Georgia. The two last years I have been a commissary officer in the service of the confederate government with the rank of captain; I was at Andersonville. My duties there were to receive stores and issue them to prisoners and troops, and to do anything else that came into my department. I went there on the 31st of March, 1864, and remained there until the 1st day of August, when I left, although I was responsible, I suppose, until the 21st of August. I was there again from the 10th of December until the collapse of the confederacy. When I first went there until August 1, the issue of rations to the prisoners, generally speaking, was bacon, corn-meal, peas, salt. The ration of bacon was one-third of a pound; of beef, one pound; of sirup, six gallons to the 100 rations; of meal, one and one-fourth pound to the ration; of vinegar, when issued, one gallon to 100 rations; salt, three pounds to 100 rations; soap, two pounds to 100 rations. The ration of the confederate soldier was the same. The ration was altered, I think, on the 9th of August. The order was made then to issue of beef one-half pound, of peas one-half pound, of meal one-half pound, or rice in lieu of peas, salt, soap and other things. Generally, while I was there, there was not any difference—not at first.

I can recollect several boards of survey. They always condemned rations there. Captain Wirz had nothing to do with commissary supplies there at all. He had to receive them after the 14th of July, I think. Once he made a remonstrance in relation to them that I remember. I received all my orders from my superior officer in the commissary department. I issued those rations until July 14th to Captain R. B. Winder, quartermaster; after that time to Captain Wirz. The requisition from Captain Wirz to me was the ordinary provision return, known as form 13. Captain Wirz would generally furnish me with the number of men only. Drawing every day, of course, there would be that number of rations; and the requisition was filled out by myself or clerks. I would fill it out by my orders, and by knowing what I had on hand to issue. There was a government regulation to fill out the quantity as I had it. I was very much troubled with reference to transportation and getting the ration out; at first to a great extent. In fact it took nearly all day, and very often quite all day, to get it out—I mean to haul it away from the commissary building. The requisitions were generally made by Captain Wirz between 11 and 12 o'clock in the morning. There was not a great deal of difficulty in regard to getting the supplies from the sources from which I drew them. I was troubled very much for storage room, and could not accumulate a stock on hand. At first I occupied a room some 70 feet by 30, until some time in July; after that I occupied a house, I suppose 130 feet by 30. We would generally have on hand no more supplies than two or three days' rations; we were issuing to about 36,000 or 37,000 men. It was my endeavor to always have rations on hand for that number; I generally succeeded. The meat was generally very good when I received it. I never had any trouble on the subject of obtaining it; if I could not obtain meat I could obtain sirup in lieu of it; I could not always obtain fresh meat when I wanted it. There was not any corral there containing a large number of horses and mules connected with my department, and I do not know what horses and mules the quartermaster had; if any corral had been there I think I would have known it.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I think Captain Wirz was sick—I know it, in fact—in July, but how long I cannot say; he was also sick in August. I was not there in September; in

July, at the time I allude to, he was out of his head; at least it was so considered. He was at his house at the time; I have no idea how long he was away from his post. Captain Wirz's quarters were three-fourths of a mile away from mine, and in a direction which I never went; therefore, I very seldom saw him. I recollect Lieutenant Davis being on duty there. I cannot form any opinion as to how long he was there in command; I think, however, it was a very short time.

SHOOTING OF PRISONERS BY THE GUARDS.

I never knew or heard of any confederate soldier getting a furlough for shooting a Union prisoner.

THE CHARGES OF MURDER AGAINST WIRZ.

I never knew or heard of Captain Wirz shooting, kicking, or in any way injuring a Union prisoner while I was there.

THE RATIONS.

Cross-examined bythe JUDGE ADVOCATE:

I reported to Colonel Persons, commanding the post at Andersonville. I was there from April until August; I left there sick on the 1st of August. Major Proctor was sent there to carry on the business in my name until the 21st of August, when I returned, I turning over to him what stock he had. Then I went away again and remained absent until the 10th of December, when I took charge of the commissary department at Andersonville again, relieving Major Proctor. The rations were delivered either by myself or by the issuing clerk to the commissary sergeant of the regiment. I had nothing to do with the delivery of rations to the prisoners. Up to the 14th of July all the rations issued were delivered to R. B. Winder, or to his sergeants for him, and they were left subject to his control; after that time I issued them to Captain Wirz's sergeant, under his direction, of course; the sergeant was appointed by him. Captain Wirz had charge of the rations from that time, and beyond that I had no responsibility whatever. I do not pretend to know whether the rations issued by me were actually delivered to the prisoners. I was not troubled so much about procuring rations as I was from obtaining transportation and wanting storage room. I never was at any time so short that I could not issue to the prisoners. In three or four instances I issued rice instead of cornmeal; but I always made up the rations. I never found it necessary to diminish the rations, except by substituting one thing for another. I always had a plenty to issue, and the only difficulty I had was in respect to storage and transportation. It was a general complaint, the transportation being short, but even then I was not obliged to withhold the rations from the prisoners; I could always substitute something in lieu of it. Until July I issued these rations for the prison on the return of R. B. Winder; after that time on the return of Captain Wirz, with the approval of the commandant of the post; that was Lieutenant Colonel Persons, Colonel Gibbs and General Winder. These returns never called for double rations; two returns were made for the prison—one for the prison proper, calling for a single ration for each prisoner of the post, not in the hospital, and the other being a return for extra duty men. When prisoners were at work they received double rations. The returns showed so many persons on extra duty, and I issued the rations—I issued a single ration. My understanding was that the extra duty men were included in the return from the prison proper, and also in the extra return, and by that means they got double rations. In issuing these rations I supposed the returns to be correct; I had no other means of ascertaining it except the approval of the commandant of the post. I do not think that at times I issued

rations to 36,000 prisoners—to about 33,000 for the prison proper. I do not remember to how many for the hospital. I issued rations to Captain Winder and Captain Wirz by orders from the commissary general; R. B. Winder was at that time quartermaster I do not pretend to say that there were no horses or mules kept there at all—I did not say any such thing; I understand a corral to be a lot full of horses; there was a place for horses there. I was asked whether there was a corral of horses and mules there. There was a place set apart there for horses and mules. There were horses and mules in it.

By COUNSEL:

They were generally known as the government stock, kept there for the use of the post. They were private horses most of them. I understood that Captain Winder employed his teams from private parties.

By the COURT:

I issued rations to the prisoners day by day until March, 1865; they were issued in the morning for that day. It was not in the same way I issued rations to the troops; they were issued for from one to seven days. I did not issue to prisoners in the same way because we had not rations enough to issue such a quantity at the time, nor had we a place to store them; I do not think I could have issued two days' rations. I generally got the requisition between 11 and 12 o'clock in the morning. It very often took them until sundown to get all the rations out; some of the rations might run into the next day. That was changed after a while, and we issued one day for the next day; but at first they drew day by day.

Q. I want to know if it would not have been more humane to issue rations a day in advance?

A. During the latter portion of the time they were issued one day for the next. I cannot say how long before the system was changed—probably a month or more.

SHOOTING OF PRISONERS BY THE GUARDS.

By the JUDGE ADVOCATE:

I was not familiar with the business going on at Captain Wirz's headquarters, or at the headquarters of the commandant of the post. I would not know anything about the granting of furloughs if there had been any granted.

THE CHARGES OF MURDER AGAINST WIRZ.

While I was there, prior to August, I was not familiar with Captain Wirz's conduct. After that time I became more intimate and better acquainted with Captain Wirz. Up to August I knew very little about him; I visited Captain Wirz's house. I knew his family and I occasionally called in passing by; I cannot say that I placed myself on intimate relations with the family.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I cannot say positively that the time Captain Wirz was absent sick, leaving Lieutenant Davis in command, was in July, 1864; I do not think I said it was in July. I said that Captain Wirz was sick in July, but I do not know what time Lieutenant Davis relieved him. Between the 1st and 21st of August I was there two or three times, but I did not assume any duty. I said that Captain Wirz was sick in his house, in July, and out of his head; I am very confident that it was in July. I do not know if that was the time that Lieutenant Davis was acting in his stead. I am not certain if it was during a protracted sickness. I do not know what was the occasion of Captain Wirz being out of his head.

MEDICAL TESTIMONY.

OCTOBER 12, 1865.

Dr. JOHN C. BATES, recalled for the defence:

I was at Andersonville from the 22d September, 1864, till the 26th March, 1865.

THE RATIONS.

My impression is, so far as I observed it, not paying any special attention to it, and not being an adept in measurement, that the storehouse was 150 or 200 feet long, 30 feet wide and 8 feet beam, perhaps. At least one-third of it was occupied by quartermasters' offices. Perhaps 75 or 80 feet were appropriated for the main storehouse. I never saw the storehouse one-third full, neither did I ever see it empty.

TREATMENT OF THE SICK.

I may say that we had no medicines. We were not permitted to prescribe regularly, only by numbers, and they were decoctions of indigenous herbs and bark. They were numbered. For a scorbuta case we would order specific No. 14 or 24, as the case might be. I do not know of sick or wounded prisoners being brought to the hospital from other places than the stockade. I have seen some few prisoners arrive at Andersonville who were sick or wounded. Some of the men had been reduced, some ragged, some sick, and in fact some dead or dying, when they came there. I did not see many, however, in that condition, as I was not much about the depot or headquarters.

I saw some few instances of neglect on the part of the nurses. I stated before, when I was on the stand, that in making out my morning reports I would make my calculation for the amount of commissary supplies; that there was a sufficiency. Nevertheless, I negatived that by saying that I was not sure they got it. On one occasion I detected fourteen loaves of bread that were being kept from the prisoners. It was what was known as Father Whelan's bread, which he had placed under my direction. Two men named Delaney and Hennesey had been selected by Father Whelan to distribute the bread. They appropriated on one occasion fourteen loaves. It was in the spring of 1865, and I was officer of the day. I went to every wardmaster and inquired the number of loaves he had for his ward. I then went to the head distributor and found out the number of loaves issued to each ward, and the returns corresponded. "Now," said I to Delaney and Hennesey, "I have the returns from headquarters and I find there are fourteen loaves missing. Those loaves must be accounted for. You cannot wrong the patients out of their rations in that way; I will step out for a moment, and the loaves must be produced." I absented myself for a moment, and when I came back the fourteen loaves were produced and were distributed among the sick. I reprimanded one of the litter-bearers one morning, and he promised to do better in the future. Next morning I found that there had been a dead man lying in front of his tent for twenty-eight or thirty hours. I sent for the head of the litter-bearing squad and told him that this was the second time in which I found a neglect of duty on his part, and that I could not tolerate it any longer. I said, "I do not want to send you into stockade, but you must go up the gate and mark time for thirty minutes" That was the only punishment inflicted upon him for suffering that dead body to lie there for thirty hours.

I was some time on duty in the fifth division of the stockade. That was the best division at Andersonville. It was under the immediate charge and care of Dr. Mudd, a very efficient officer. I strove heartily to get with him, believing him to be a man with whom I could work. He had the best hospital there and made the best provision for his men. I did not see any other division in the stockade; only the one.

VACCINATION.

Q. What would you say as to the scorbutic condition of prisoners in reference to the effect of vaccination upon them?

A. When I saw them first in September, 1864, their condition was such as to cause me to reflect much professionally as to whether I should vaccinate under these circumstances. Vaccination virus is a poison even on the normal system. The insertion of it sometimes in the normal system produces dangerous and deleterious effects. It is a poison at best. Considering the depravities of scorbutic disease in the system of those prisoners, the slightest abrasion of skin producing gangrene, even without the insertion of virus, I should have considered vaccination very dangerous. That is but a laconic view of my professional opinion in reference to the men there and vaccination. My attention was called one morning to a young gentleman who had been sleeping with his comrade. His comrade throwing his arm back, struck him with his elbow on the cheek, bringing his cheek between the elbow and his own teeth, breaking the skin inside. In three hours gragrene was active, and in three days the man was dead. After getting the wound he could not masticate or swallow. That is a pretty fair indication of the condition of the prisoners. There were some two hundred and forty-eight or two hundred and fifty men detailed as nurses in the hospital. They were well men, calculated to perform that duty. But as to the men generally brought there as patients, that was a pretty good index as to their condition.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

I have seen some trading between the confederates and Union prisoners; it was a notorious fact. They traded pretty much all the time when they had anything to trade; clothing, something to eat, &c.

CAPTAIN WIRZ AFFORDS FATHER WHELAN EVERY FACILITY IN VISITING THE PRISONERS AND RELIEVING THEIR WANTS.

In the fall of 1864 Father Whelan came to me and asked me if my name was Dr. Bates. I said "Yes." Said he, "You are the man I want; I want you to have Hennesey and Delaney appointed for the distribution of the bread. I have bought 10,000 pounds of flour, and I will put it in the hands of Captain Wirz, and I want you to see to the proper distribution of it." I told him I would do so whenever I had an opportunity.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

I do not know anything about the sickness of Captain Wirz or his absence. I think that when I saw him in September, he was poorly; he looked feeble.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

The country around about Andersonville was a very poverty-stricken section in my estimation. It would take eight or ten acres to raise a bale of cotton, and I suppose that it would not produce more than four or five bushels to the acre.

THE CHARGES OF MURDER AGAINST WIRZ.

I never heard of Captain Wirz shooting, beating, kicking, or otherwise maltreating Union prisoners while I was at Andersonville.

SHOOTING OF PRISONERS BY THE GUARD.

I never knew of any confederate soldier getting a furlough for shooting a Union prisoner.

Cross-examined by the ASSISTANT JUDGE ADVOCATE:

I only know about the granting of furloughs so far as I myself was concerned. I would not know anything about Captain Wirz granting furloughs if he did so; I never interested myself about any other furloughs than my own.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Captain Wirz was never absent from duty when he was sick, to my knowledge.

Q. You spoke of Captain Wirz looking feeble at one time; for how long a time was that his appearance?

A. Well, sir, I did not see him for some time after that. I did not make it an object to go over. I saw him occasionally after that, and he looked better. Captain Wirz I suppose began to improve perhaps in October; I did not see him very often. I do not know whether he was ever released from duty because he was sick; I never saw anything to indicate that.

A COMPARISON BETWEEN ANDERSONVILLE AND OTHER REBEL PRISONS.

By COUNSEL:

I was connected with two other prisons than at Andersonville; one at Macon and the other at Petersburg.

Q. What was the condition of those prisons as compared with Andersonville?

A. I am a little touchy on that subject; it is a vital point with me, and I want you to make proper allowance if I should say anything which might be considered rash or exaggerated. Comparing the Macon prison with that at Andersonville, I would prefer Andersonville at the time I was in it.

We had very coarse corn-bread, with watered sorghum, once in 36 hours at Macon, and were very lousy.

By the ASSISTANT JUDGE ADVOCATE:

I was arrested on the 16th of August, 1864. I was imprisoned on the evening of the 16th, marched the next morning for Petersburg. When I had this coarse corn-bread and sorghum I was a prisoner of war. I do not know now, by whose authority I was imprisoned, but I propose to find that out before I go back. A rebel lieutenant arrested me. I was released on a writ of *habeas corpus* issued by Judge Johns of Petersburg. I did not enter the rebel service after I was released. I did not then commence the practice of medicine in the hospital. I was released on the 6th of September, and reported to Dr. Stout that I was happy to inform him that Dr. Bates was all he ever pretended to be, and that as an act of justice he had to treat me as a gentleman. He said he would do it. I was in the city hall hospital at Macon when I was arrested. I had gone there at the solicitation of Dr. Green to help him attend to a number of confederate sick who were in that department; when summoned there I was practicing medicine at home as a private physician.

Speaking of the rations at Macon, I speak of those issued to myself and other prisoners; we eat out of a sort of hog-pen. The other prisoners were confederate prisoners. Some of them had ball and chain on. I do not know for what they were confined. Some of them claimed to be one thing and some another. Some had uniforms on, and some were in citizen's dress. I wore citizen's dress.

THE SUPPLY OF VEGETABLES NEAR ANDERSONVILLE.

Q. When you say that it was a poverty-stricken country about Andersonville, what extent of country do you mean to take in?

A. One way four hundred yards—as far as I ever went—and another way half a mile, and then to Americus and up to Macon. My knowledge of the country is limited to that area. I never travelled out in the country; I do not think I was a mile from the depot in the country while I was at Andersonville.

By the COURT:

Q. You speak of the country from Andersonville to Macon as being poor; do you mean the whole of that route?

A. I speak directly of the poverty-stricken locality of Andersonville.

Q. Did you not speak of the whole route as far as Macon?

A. If I was so understood I did not mean it.

Q. Would not that be considered a very rich country?

A. I do not know very much about that; I never took any particular notice. I have understood that southwestern Georgia was considered the garden-spot of the south, but I am not well acquainted with it except by stage and railroad travel, to a limited extent. I cannot give an intelligent opinion on that point.

TREATMENT OF THE SICK.

By the ASSISTANT JUDGE ADVOCATE:

The prime cause of the poisonous atmosphere in the hospital was the crowded condition of the patients, and their filthy condition in consequence, and the vermin, offal and filthiness generally which would accumulate where men were confined, not able to help or do for themselves, without the means at hand for cleanliness. The boxes used by the men all through the hospital were not very well attended to unless there was an officer of the day there to see to it. Everything was calculated to produce a disease-creating agency. I mean to say that this poisonous atmosphere was produced by the condition of the prison and the hospital, in regard to the numbers and the treatment which the prisoners received there; I think also the deficiency of medicines—they had no medicines. Doctor Roy, when he was in charge of the hospital, made his requisition for medicines and sent it to Doctor Clayton, who would do the best he could; and the best was but poor. Sometimes we could get some medicines, I think, from Macon; at other times, requisitions would be made on Columbus; I think that Doctor Gilliard went to Columbus on one occasion.

Q. How many requisitions did you ever know of your own knowledge to be filled out which were not supplied?

A. I cannot say; I gave myself no trouble about that, knowing that when anything could be done he would have it done. He had a private medicine chest, and when we could not do any better we would go to that, but that supply was not allowed to be wasted by anybody. When he had medicines I knew that we could get them.

Q. Was it indispensable that medicines should be provided for the improvement of the condition of the prisoners; were the diseases most prevalent there protracted by reason of the deficiency of food furnished, or the non-supply of medicines?

A. I can give you an idea on that subject by quoting a report which I made, that if they would give proper diet and cleanliness and room I would make no further requisitions for medicine. I said that in the fall of 1864, and I repeat it now.

When I first went to Andersonville I went on to prescribe, as I always had done, but I was told by the steward, "No, here are the numbers by which you

must go." I asked Dr. Shepherd about it. He said that they had not medicines, and that their formulas were made up of indigenous remedies; that by these numbers it was easier to prescribe; that there were sometimes 80, sometimes 150, and sometimes 200 cases to prescribe for, and this means was adopted in order to facilitate matters. I recollect that in some special cases I made requisitions which never were filled; they could not fill them. I would go outside the numbers when I wanted to treat some specific case in a particular way, but I could not get the medicines.

Instances of misappropriation of bread and other articles of food by the hospital attendants occurred on a small scale several times. I am going to give you some impressions, which you are to receive as such. My impression was that these things were managed so dexterously and with a sort of sleight of hand, that they could not be detected readily. I therefore, myself, organized in the hospital a secret police of 23 members, Charles Williams, of New Jersey, being at the head of it, to protect sick men against the ravages of some who were in the hospital, who would cut tents, run their hands through, and appropriate clothing and eatables. This will, perhaps, give you an idea as to how things were conducted in the hospital. They would steal from each other. They would steal anything they could trade, and sometimes they would steal things the utility of which to them could not be seen, which they could not apply to their benefit. I suppose their necessities would drive them to that strait—the deficiency of the rations. That is what I thought then. I have had no reason since to change my impression. I wish the court to understand that Dr. Clayton and Dr. Roy were two men who did their duty. When they came in charge, the hospital then reached such a condition that I was able to report for one day not a death in the hospital. The condition of things began to improve on the very first day of January, 1865. I do not remember that I ever made a suggestion in my morning report that Dr. Clayton and Dr. Roy did not take notice of. Prior to that time I could not say that my reports were ever read.

I saw only a few sick or wounded who came to Andersonville among the prisoners. I was not at headquarters, only casually. I think it was in the fall of 1864 that those sick or wounded prisoners arrived; I could not say positively. I believe one day I saw 20 set apart there. I was called upon to help Dr. Mudd and some other physicians to make a division or discrimination. We set apart on that occasion perhaps 20, or more. I cannot say whether they were recent captures, or were prisoners from other prisons. A good many of those prisoners had the general appearance of those in the stockade and hospital, so far as clothing was concerned. I saw one or two small bodies of prisoners lying there that were better cared for, and looked like healthy men.

Q. Were those who were thus emaciated, and looked like those in the stockade, the smaller portion of those who arrived?

A. On this occasion I do not know how many arrived; three or four hundred, perhaps more, perhaps less. They looked as if they might be full brothers of the prisoners confined in the stockade.

Q. To what class of prisoners did you refer when you said that you saw some few arrive there who were reduced, and some who were dying, and some who where dead?

A. I think that one of the men out of the number I speak of when we were discriminating among the prisoners, died on the ground while we were separating them.

Q. Was that the only instance that you ever saw so far as you remember?

A. I have seen sick men carried, when they were in blankets, out of the prison, when they were about to leave there; and I have seen some few arrive, but I do not recollect distinctly any but this larger number which I was engaged in discriminating. There might have been more; I am not positive on this

point. As I told you, I never cared to be about headquarters at all. My duty was among the sick, and I did not feel at home unless I was there.

CAPTAIN WIRZ AFFORDS FATHER WHELAN EVERY FACILITY IN VISITING THE PRISONS AND RELIEVING THEIR WANTS.

All I know about the flour distributed by Father Whelan is that Father Whelan came to me in the fall of 1864 saying, "Dr. Bates, I have 10,000 pounds of flour, and I am going to place it in the hands of Captain Wirz, and I want it distributed among the prisoners indiscriminately. I want them all to have the benefit of a ration extra of the confederate issue. I want you to use your influence in having Delaney and Hennesey take charge of the distribution of that in the hospital."

I said I would do so with pleasure, feeling that the prisoners needed it. Dr. Clayton, the surgeon in charge, always issued that as "Father Whelan's bread." He took charge of it as such, and kept it separate from the confederate issue. I do not know anything about the flour, except that it was distributed in the hospital. All I know is with regard to the bread that came into the hospital daily.

VACCINATION.

By the COURT:

The vaccination took place prior to my going there, which was on the 22d of September. I never saw anybody vaccinated at Andersonville.

Q. Was the condition of the prisoners generally such that a medical man might reasonably anticipate that death would be the result of vaccination, and therefore decline to vaccinate?

A. I will explain the matter, as well as I can, for the satisfaction of the court. The men, as I have stated, were in an extremely emaciated condition, worn down and cadaverous, and their scorbutic condition was such that they had not vitality enough to resist even the influence of a scratch upon the skin without its taking on gangrene. Looking at the condition of these men, and the peculiar susceptibility of their systems under their reductions, it became a serious question with me, as a professional man, whether I would have vaccinated men in that condition.

Q. Have you ever answered that question in your own mind?

A. Yes, sir.

Q. What was the result?

A. I will state it. The vaccine virus is a poison direct, so far as it goes. The small-pox matter is a more direct poison. If those men took small-pox in their reduced condition it was certain death. If by vaccination I could have saved one man in ten, or one man in 50, or one man in 100, it would have been my professional duty to have vaccinated.

By the JUDGE ADVOCATE:

Q. Did I understand you to say that you would not vaccinate under the circumstances you have described unless small-pox was certain in that individual case if you did not vaccinate?

A. No, sir; I would not vaccinate unless I had very serious apprehension of the spread of small-pox. If I had the liberty of setting up a different hospital and getting the small-pox patients all out, I would then weigh the matter before vaccinating.

By the COURT:

During the time I was at Andersonville there was no ground for such an apprehension.

By COUNSEL:

There was no vaccination at Andersonville during the time I was there; it was all previous to my going there. I understood there had been some small-pox at Andersonville. I occupied as my quarters a house which had been occupied by the small-pox nurses. I know nothing about the extent to which the small-pox prevailed; I have visited the small-pox grave-yard frequently.

Before closing my testimony I desire to make a single remark to rectify some influences which have been made in reference to myself. It has been claimed on the one hand that I am here as a witness against Captain Wirz, and on the other hand that I am a witness for him. I wish simply to say that I am here to tell the truth, and I have done it regardless of consequences.

OCTOBER 12, 1865.

Major GEORGE L. PROCTOR, for the defence:

I reside in Barron county, Kentucky. During the last two years I have been a major and commissary of subsistence; I was at Andersonville a portion of the time. I was on duty at Andersonville from, I think, about the 21st of August till the last of November, 1864. I, however, was ordered there by General Cobb, I think, about the 6th of August, and I temporarily took charge of the commissary department there during the sickness of Captain Armstrong. On the 21st I was ordered to take charge permanently by the district commissary, and was relieved again on the 1st of December by Captain Armstrong. I succeeded J. W. Armstrong, the witness on the stand a while ago.

THE RATIONS.

I received my orders relative to the issue of commissary stores from the district commissary and from the commandant of the post; I was under his order. General Winder was commander of the post while I was at Andersonville. Captain Wirz had no command or authority over me in any way; he was not in command of the prison when I first went on duty there; Lieutenant Davis was in command. All I know about Captain Wirz's absence or sickness is that he was absent during August, perhaps until the latter part of August. Lieutenant Davis made the requisitions for the commissary during that time.

Q. Did Lieutenant Davis issue the requisitions in the same capacity and for the same purposes that Captain Wirz did after he came back?

A. I presume so; Lieutenant Davis made the requisition for the number of prisoners—the daily requisitions which were approved by the commandant of the post. I would not have issued the rations on any requisition which was not approved by the commandant; that was not the custom. The requisition for the hospital came from the surgeon in charge; Captain Wirz had nothing to do with them; they were approved likewise by the commandant of the post. When I went to Andersonville there seemed to be a great deficiency of teams for getting supplies into the prison. I applied to the quartermaster for teams and he did not furnish them to me. I then went to the commandant of the post, General Winder, and said that if he did not furnish the teams or have it done I would not stay there; that I was only on duty there temporarily, and that I would not remain at the post unless I got proper facilities. He made requisitions upon the quartermaster to furnish me with teams. I was furnished with eight teams, with which I was able to get along. The provisions then went in earlier in the day; up to that time they had been all day and probably until night getting in. There were at Andersonville some lots in which horses were kept; I cannot say how many. There was a deficiency of teams and stock there when I went there; that is about all I can tell you. Some of the horses belonged to officers of the post, I believe. I did not have a horse myself nor could I get one on all occasions when I wanted it.

THE HOSPITAL FUND.

When I went to Andersonville first the hospital fund I think was paid up—all that was required. I think that in the month, perhaps, of September, the surgeon in charge made known that he was ordered by the surgeon general at Richmond to receive all the funds that had accrued in the Union hospital. For September, October, and November, the months I was there, the hospital fund was deficient some $80,000 or $100,000, perhaps, per month. I made application to the district commissary for funds. He furnished all he had, which was paid over to the surgeon in charge.

Q. Do you know anything about the quartermasters' department being deficient in that way, or not paying requisitions?

A. I do not know except that they did not pay me any money; I never got anything.

Q. You made requisitions on them?

A. I made applications; they said they had no money.

THE CHARGES OF MURDER AGAINST WIRZ.

While I was at Andersonville I never knew or heard of Captain Wirz shooting or in any way killing a man.

SHOOTING OF PRISONERS BY THE GUARDS.

I never knew or heard of a confederate soldier getting a furlough for shooting a Union prisoner; I knew nothing outside of my department, and I heard nothing of it.

THE RATIONS.

Cross-examined by the ASSISTANT JUDGE ADVOCATE:

This deficiency of teams was supplied, I think, in about ten days or two weeks; it was supplied the first time I spoke to General Winder about it; that was the condition of my remaining there. I did not see Captain Wirz after I went to Andersonville until the last of August; I had been there probably 25 or 30 days. I saw Captain Wirz frequently the latter part of the time I was at Andersonville; he would come occasionally into the commissary department. I saw Captain Wirz very seldom except when he came to my quarters. In the latter part of November Captain Wirz's office was removed nearer to the commissary building, and I think I was there some two or three times; prior to that I never went to his headquarters.

Q. You did not know, when you did not see him, whether he was sick or well?

A. I know that during the time Davis drew the requisitions——

Q. But you do not know where Captain Wirz was except by what was told you?

A. He was sick. I had occasion to go to the butcher, a Mr. Boss, who herded the stock; that was during the month of August. Captain Wirz was living at Boss's house, I think. He was in the house sick at the time I went there; that was the only time I saw him until he came into the commissary department the latter part of August to draw provisions; I think it was the latter part of August or the first of September. I very seldom saw Captain Wirz except occasionally in passing.

Q. You do not pretend to know his physical condition one day or one week after that?

A. I know nothing very well outside of my department. The abuses were very heavy while I was there. The commissary department of the post there issued rations to everybody. I acted as post commissary. I knew nothing about the requisitions except as they were presented to me; they were approved at

the headquarters of General Winder. A clerk took the requisitions up, as soon as they came to the office, to headquarters and had them approved; when they came to me they were not approved; I sent them up and had them approved; that was the custom. We issued a day ahead. We anticipated in order to have the cooking go on, and we either made up or deducted the difference the next day. The first requisitions came from Lieutenant Davis; after Captain Wirz got well he took charge again. Captain Wirz was in command some time during September, I think. He sent his requisitions the same as Davis did, and they were approved the same way. It was the custom after they were brought in each day to send them up to General Winder, and when they had his approval I issued the rations on them. The requisitions were never, to my recollection, changed or disapproved at General Winder's headquarters.

By the COURT:

Q. You stated that sometimes it was night before the Union prisoners got their daily food; did that occur with the confederate troops?

A. They were all on the same footing as regards requisitions. The rations were all turned over to the quartermaster sergeant.

Q. Were the confederate troops ever kept until night without receiving their daily rations

A. I think not, because they were fewer in number, and they had a wagon allotted to them alone when I went there. The confederate troops did not always get their supplies, before any supplies were issued to the prisoners; for they commenced issuing out of the commissary building for the prison early in the morning and it was continued all day under the miserable system of wagons. We commenced as soon as we were up in the morning and by 11 o'clock the rations were all out of the commissary building; further than that I cannot speak. The confederate troops drew rations for several days at a time. From three to five or seven days as the case might be; we could not have issued more than one day's rations for the prisoners. There was no place to put them.

Q. Could they not have been placed in the cook-house?

A. When I went there the cook-house was very inadequate. There were only two ovens there, as I understood; I had eighteen or twenty placed there. I think it likely a building could have been erected for the purpose. When the requisition came back from General Winder approved, I turned the ration over to the quartermaster sergeant whose place it was to take charge of it. The quartermaster was responsible for the rations. This quartermaster sergeant who went with them to the cook-house with the wagons had charge of the rations. I had nothing to do with the quartermaster sergeant; he was sent there by the commandant of the post to receive the rations. I think Captain Wirz was not responsible for the rations. The commandant of the post sent a man to receive the rations and they were issued to his order; they were turned over to him in bulk, and they were issued in compliance with the orders of General Winder, the commandant of the post. I think Captain Wirz had nothing to do with the rations; I do not know. His requisitions came to me, and I issued them to be turned over to the quartermaster.

Q. When you speak of their being turned over to the quartermaster you do not mean a commissioned officer?

A. It was a sergeant.

Q. Is it not strange that a sergeant should be responsible for the rations in that way?

A. About that I complained myself, and a lieutenant belonging to the Georgia reserves, named James Allman, was placed there by order of General Winder, and he looked after those rations. He was a mere agent of the commandant, according to my understanding. After the rations were in Lieutenant Allman's hands I do not know that anybody had the power to suspend the issues; no

uch suspension took place while I was at Andersonville. My books did not how that any such suspension had taken place at any time; I never suspended day. Occasionally we were a little hard run, but we would borrow for a day. had not the books of my predecessor; he had his own papers; he had not a ommissary book; I had a commissary book, which is in Atlanta now I presume, record of all my transactions there. It was usual at all posts to keep a post ecord, but it had not been done there.

THE HOSPITAL FUND.

By the ASSISTANT JUDGE ADVOCATE:

Q. Do you know anything about the funds in the quartermasters' department, xcept as the result of your application, on your own personal behalf, at that ost?

A. No, sir; only from hearsay. I know nothing about the hospital fund rior to the 21st of August; I had nothing to do with it previous to that ime.

Q. Then when you said that it was paid up to that time, you simply rely on vhat other people told you?

A. I was acting for Captain Armstrong some fifteen days temporarily; in he settlements which he made with Dr. White I think he paid all the requisitions pon him. That was my impression; I derived that knowledge officially.

Q. After that time you say there was a deficiency of $80,000 or $100,000 er month?

A. Yes, sir; that was not paid; all the funds I could get from the district ommissary were appropriated to that hospital. I think that for September this und amounted to about $15,000; it was all appropriated. In October it was erhaps $20,000; in November there was a larger sum paid; I think it was n the neighborhood of $30,000 or $35,000, perhaps as high as $40,000. Of he amount I received, $40,000 was appropriated to that hospital, and the balance or incidental purposes.

By the COURT:

Q. This $50,000 or $60,000 which you speak of as having been turned over o the medical department; do you know how it was expended for the benefit f the prisoners?

A. I do not.

Q. You do not know that medical funds are never turned over to the surgeon, ut remain in the hands of the commissary who purchases on the requi- ition?

A. I know that it is the custom in our department to turn over to the order f the surgeon in charge of a hospital the money itself, and he makes out a equisition and we fill those requisitions and return them in our monthly returns. That was the custom in every confederate hospital throughout the whole south— he universal custom. The hospital fund was turned over to the surgeon, and e drew on them. The surgeon's requisition was drawn upon the commissary. The commissary was the custodian of the funds; he turned them over upon equisition of the surgeon.

LETTER OF CAPTAIN WIRZ ASKING THAT THE WOOD GUARD BE INCREASED.

Upon the meeting of the court on the 13th of October, counsel for the accused ead to the court and put in evidence a letter from the prisoner's letter book, of which the following is a copy:

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
Camp Sumter, Georgia, January 29, 1865.

LIEUTENANT: I have the honor to request that the guard detailed daily for the purpose of escorting prisoners to the woods to procure fuel be increased from 25 to 60 men, (guard,) as the former number cannot do the duty required.

I am, sir, very respectfully, your obedient servant,

H. WIRZ,
Captain Commanding Prison.

Lieutenant L. B. THOMAS,
Acting Assistant Adjutant General.

OCTOBER 13, 1865.

BENJAMIN F. DILLEY, for the defence:

I reside in Allentown, Pennsylvania. I was in the service of the United States service for three years and seven months, in company F, 54th Pennsylvania. I was taken prisoner on the 2d of February, 1864; I was carried to Belle Island, Richmond. I remained there until the 16th of March, 1864; I was then taken to Andersonville; I was there one year. I went there on the 23d of March, 1864, and came away on the 23d of March, 1865. I was in the stockade at Andersonville for three weeks. I was allowed to go in and out of the stockade until August. I was detailed as a clerk at the headquarters of Captain Wirz; I was admitting clerk. When prisoners were brought there I took their names and descriptive rolls. I went into the stockade with Captain Wirz also. If any man was missing in a detachment on the south side, I went to see after him. If any of the men had symptoms of small-pox I sent them to the gate to go to the small-pox hospital. I was wardmaster in the hospital from August. I took charge of 150-odd men, and 20 nurses, more or less, in the hospital. I was connected with Captain Wirz's headquarters from the latter part of April to the latter part of August. I was connected with the hospital department from the latter part of August till the 23d of March, 1865.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

Every man traded who had means. Hams, fresh pork, bacon, flour, meal peanuts, sweet potatoes, white potatoes, thread and needles, cigars, tobacco, and anything of that kind were traded in. That was going on both inside and outside. Articles were bought outside and taken into the stockade. I know about trading over the stockade between prisoners and rebels; prisoners would walk up to the dead-line and ask some of the guards if he had anything to trade; if he had he would show it, and the prisoner would throw up the money on the end of a string and the guard would let down the article. I know something about trading in articles coming from the cook-house. Our men would trade the hams that came to the cook-house—trade them to the slaves for onions, vegetables, flour, and for anything that they could sell in the stockade. I saw trade going on in clothing. I have seen our men trade clothing off; the clothing taken from dead men was traded with the guards; our own men would take the clothing off the dead men; inside the hospital. Captain Wirz gave orders that if he caught any rebels wearing our uniform he would have him court-martialed; those were his words. He said it had been done at Belle Island, but it should not be done at Andersonville.

CONDITION OF THE WATER.

There were a number of small wells inside the stockade while I was there—there were no large ones while I was in the stockade. I suppose there were 75 or 100 on the south side. The number increased, but the men who owned the wells would not allow their comrades to drink from them. Very good water was in the wells, better water than we had outside. That water would not supply more than one-fifth the wants of the stockade, I suppose. I judge the wells would

supply all the water that was wanted to drink; we also go twater from the creek that ran through the stockade. The creek water when I was inside the stockade was very bad, excepting some portions of it—the upper end of it, and even there the water was bad; the water was good enough except for the grease on it that came from the cook-house. Wirz ordered us, (the clerks,) "If you find any man washing in that creek, let him be a Yankee or a confederate, I want you to knock him down and I will back you in it." Captain Wirz intended to dam up one-third of it for drinking water and cooking, one-third below that for washing and bathing, and the third below that for the sink. He had made that arrangement, but he could not get the tools; he was deficient in everything, in fact. He could not get the lumber.

SHOOTING OF PRISONERS BY THE GUARDS.

I never heard of such a thing as a prisoner being shot in the stockade; there was an alarm there one night. I never knew or heard of Captain Wirz giving a furlough to confederate soldiers for shooting Union prisoners; I never heard of anything of that kind. I never heard it mentioned at Andersonville. While I was there my desk was within two feet of his—about the same as these two desks here—all the time.

Q. Would it have been possible for any furlough of that kind to be given without your knowing it?

A. Oh, it could be done, of course. I do not think it could be done without our knowing it. I do not think Captain Wirz had authority to give a 30 days' furlough. He gave furloughs for eight days, when the colonel commanding the post was absent. It was about harvest time, and the men wanted to go home and attend to their grain when these furloughs were given. There was not any other time that I know of that furloughs were given by Captain Wirz. I never heard tell of such a thing as a furlough being given for shooting a Union prisoner.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Captain Wirz made an effort to impress 500 slaves to enlarge the stockade He could not get the slaves, and he sent to Richmond for orders in regard to it; he also sent into the stockade for men—the men refused to come out. The excuse was that they would compromise themselves in the eyes of their government. The sick men could not do it, and the well men refused to do it; at last they got some men out—some 150. I understood that Captain Wirz's orders were to place the men three deep if they did not come out. He placed so many men in the stockade that they were forced to come out at last. He made a number of requisitions for axes. At last he got two or three boxes—a very inferior article, painted over with black paint. He did not succeed in getting what he wanted to do that work; not more than one axe out of six would cut wood. Picks, spades, and everything of that sort were very short. The confederate soldiers borrowed our axes to cut wood with.

MEN BITTEN BY THE DOGS.

The prisoner called "Frenchy," who was brought back by dogs, was not seriously hurt; he was merely scratched; he laughed over it himself. I think he said he gave Wirz a good tramp after him. One of our men attended to him. He was not what I would call seriously wounded, and he did not die.

THE SUPPLIES FROM THE NORTH.

Q. What do you know about boxes coming from Richmond to the prisoners?

A. We were ordered to find the addresses of the men to whom they were sent, and the boxes were sent in to them—to the stockade. All the boxes left were

turned over to the hospital fund. A good many men had died. The boxes were sent to Belle island in the first place. I suppose four-fifths of the Belle island men died at Andersonville. The boxes of the men who died were turned over to the hospital. These boxes were robbed in the commissary—a little building used for the hospital—before Captain Wirz would get down to the office in the morning, by his sergeants, and some 16 other men outside. They would go into the commissary and take what they wanted in the morning before Captain Wirz got down there. (To the court.) What I call the commissary was a small hospital commissary storehouse, where they kept these boxes. It was not the post commissary, but the building where they kept the extra rations. These boxes of goods were considered extra rations. The building was connected with the hospital, but was not in the hospital enclosure. It was about 50 yards outside of Captain Wirz's office.

THE RATIONS.

Captain Wirz said that that rice and corn-meal were not fit for niggers; that he would not feed his slaves on them, and that the man who sent that corn-meal to Andersonville should be court-martialed—that he was robbing the confederate government. I do not know anything about the conduct of cooks in the cook-house in reference to rations, more than that they traded the rations off to the slaves for vegetables. Captain Wirz's detectives found fifteen bags of hams and bacon in the woods. The slaves were men whom I saw working around on the fortifications. There were some 500 slaves working on the fortifications at Andersonville.

THE ABSENCE OF CAPTAIN WIRZ FROM ANDERSONVILLE IN THE SUMMER OF 1864.

Captain Wirz was sick during the month of August, I believe, very nearly the whole month. He was sick off and on in July—sick for a day or so. I was not in his office in September; I was connected with the hospital. Lieutenant Davis was in command while he was absent.

THE CHARGES OF MURDER AGAINST WIRZ.

I never knew or heard of Captain Wirz shooting or beating or in any way injuring a prisoner so that he died. I never heard of it. I do not know of Captain Wirz having a sorrel or a roan horse; he rode a gray mare. He could have rode a sorrel horse and I might not have known it. I do not think it is probable that he could. Wirz was a very easy rider and very seldom rode a horse on a trot. I very seldom saw him on any horse but his own. He knew her. He rode the old gray mare all the time so far as I knew.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Captain Wirz took young boys out of the stockade. There may have been forty—perhaps more, perhaps less. He took them out for the purpose of having them gather blackberries for the hospital. They would gather some; but they would sell more than they gave to the hospital.

Cross-examined by the ASSISTANT JUDGE ADVOCATE:

I was detailed as clerk at Captain Wirz's headquarters in the latter part of April, 1864. I continued there until the latter part of August, 1864. I made application to be detailed there to Captain Wirz on the ground that I was sick. I could sit down or walk about, but still I was sick. Diarrhœa was the cause of my sickness. I think it was eating fat meat that brought it on; we received no meat at Belle island while I was there, except, may be, five pounds of meat

to the hundred rations. I had charge of a hundred men there, and of the hundred men every one who came from Belle island was taken with the diarrhœa. Men who applied to Captain Wirz for clerkships and details when they were sick did not obtain them. The men would make application for clerkships; Captain Wirz would take every application and put them in one drawer, and in another drawer applications for shoemakers, &c.; and when he wanted a clerk, or wanted a shoemaker, he would open the drawer a little, put in his finger, take out an application and send to the stockade for the man. That night after I applied I got the appointment. He did not open the drawer and put in his hand that same day; what I speak of was after I went out; at that time there were few men in the stockade. While I was in the hospital I went to Captain Wirz's headquarters occasionally. I had nothing to say to Captain Wirz; he was generally busy. He was a very excitable and cross man, and I did not want to have much to do with him.

VACCINATION.

I never had any education as a physician. I did not examine the prisoners in the stockade as to whether they had symptoms of small-pox. If a man had the small-pox, or if he looked as if he had the small-pox, I sent him to the gate to be examined. I did not consider myself competent to judge whether a man had the small-pox or not. There was one other person assigned to the same duty on the north side of the creek. There was not any other person except us two detailed for that purpose. The order as to the men who had the appearance of having the small-pox was that they be sent to the gate to be examined. That order was imperative. After they went to the gate and were examined, if they had the disease they were sent to the small-pox hospital, and if they hadn't it they were returned to their quarters. I continued in that sort of duty about a month, I suppose. The small-box was prevalent there. I cannot tell how many cases I discovered. I do not know that I can approximate it. Perhaps one or two a day for a month would be the average. I did not have any orders about vaccination. I once asked Doctor White to vaccinate me. Doctor White did not say that the vaccine matter was impure, but he gave me to understand that it was; his words indicated that he thought it was impure. He told me to wait awhile; that he expected to get some matter from a child in the country, and that if I would wait for it he would vaccinate me. I think that was in May. That was not prior to the small-pox being prevalent there; the small-pox was prevailing there at that time. I think it was during the month of May that orders were given for vaccination; about the time I had this conversation with Doctor White. I have seen men who had been vaccinated; they had sores on their arms about the size of that inkstand or larger. That was about the time I had this conversation. It was sure death for a man to be vaccinated there if it took. His arm would have to be amputated, and I know of only one successful case of amputation; there was a bet of $150 on that. It was the case of a young doctor who had charge of a man. I think he bet $100 that the man would live, and $50 that he would save the man's arm. He won the money. He supplied the man with a new sponge and a wash-basin, and attended him himself, for three or four weeks. That was the only case I saw of a cure, and I saw many a case there. I do not know anything more of amputations than what I have said; not of any other case.

By the COURT:

I did not examine prisoners to see whether they had the small-pox. I merely looked at a man, and if he said or if the sergeant said that he thought he had the small-pox, I would send the man up to the gate. The men could not go there without my sending them; they had to keep the men there until roll-call. There were two of us engaged in that business.

Q. If five hundred men had the small-pox, they could not get out unless you two men conducted them to the gate?

A. I suppose Captain Wirz would have made some provision for that. I never saw more than one or two men at one time have the small-pox at the south side. I was acting under the direction of Captain Wirz. I got my orders from the captain. They were not signed by anybody; they were given verbally. I spent maybe a couple of hours in examining these small-pox cases inside the stockade. Captain Wirz might be in the stockade perhaps a couple of hours; and while he was there I would be with him. I did not always go with Captain Wirz. This was during the month of May. I did not sometimes go in alone, only when I went in alone and stayed all night. It was not understood between me and the captain that I was to keep a bright look-out for tunnels. There was not any understanding of that kind between him and me; I never did anything of that kind.

TRADING BETWEEN THE CONFEDERATE TROOPS AND THE PRISONERS.

By the ASSISTANT JUDGE ADVOCATE:

Trading was carried on there by all men. One of the eagle staff buttons was worth five dollars in confederate money. I have seen 800 pounds of flour go through that gate in one day. The flour came from the rebel butcher, I think. I do not know what his name was. He was afterwards arrested for trading by Duncan, I understood. I know his shop was outside. I believe it was two miles away from the stockade. That was wheat flour, eight sacks. Molasses was taken in there by the barrel. I do not know anything about trading in the stockade after August any more than that when I went in the stockade I would see a good deal of stock going into the stockade which did not go in as rations; it went in under wood or something of that kind. Men who had the most money in the stockade were these raiders. When the men were going into the gate, it often happened that they were knocked down and everything they had taken from them. These raiders were our own men. I think that the capital for trading was limited mostly to that class of men. I should judge that there were 500 of them at that time; 500 out of 35,000. These 500 ruled the camp for some time. They knocked me down once and took $85 from me. The order that Captain Wirz gave to prevent the trading in clothing was never carried out to my knowledge. Trading was carried on in clothing, and rebel soldiers wore our uniform. Captain Wirz never had them punished; there were never any of them punished that I saw. The fact is that every man down there wore our blouses, from the highest to the lowest, with the exception of Captain Wirz. I never saw him wear anything but a colored shirt and white pants. He had a gray uniform with eagle buttons on, but he seldom wore it. The trade that was carried on was not confined exclusively to flour. There was trading in onions and in vegetables of all kinds. I have seen other things besides flour carried into the stockade. Those things were procured outside by the Alabama and Georgia regiments. They would go into the country and get them. I went into the country myself; I bought things in the country. The supply was not good around there; I had very hard times to get things; for the reason that they were scarce. They were gathered up at different places. Planters would send their slaves there with things. There were not supplies there every day, only occasionally; to-day there would be plenty, to-morrow there would be none. I did a good bit of trading myself outside. I had no difficulty in carrying that on; I was sick and was allowed to walk around. All the clerks at headquarters were not sick; I believe I was the only one sick. A man named Jones was sick for a while. The trade I did was carried on secretly. It was carried on secretly because it was against orders to trade; against Captain Wirz's orders. They were in force when I went there.

By the COURT :

I traded for my own benefit merely ; that is, for three of us. I made the most of my money trading in greenbacks for confederate money. I did not have two partners, I kept these three men ; I kept them in the hospital. They had been sick. One of them did the cooking. No, they did not keep me. One of the other two was a clerk. We had wheat bread, vegetables when we could get them, fresh pork occasionally, chickens occasionally, and tobacco. I bought all these things outside among the guards in the Alabama and Georgia regiments. I got the money by speculating in greenbacks; I gave from three to five dollars in confederate money for one dollar in greenbacks, and got from eight to ten dollars confederate money outside. I sold my overcoat in the first instance for $25 confederate money. That was all the capital I started with. I drove a trade for myself altogether, but I kept these men from the profits I made. I sold sutler's stores inside and had one of these men to keep a stand for me. I was doing no partnership business, I was proprietor of it ; they were my assistants and clerks. Every clerk outside had these privileges, with the exception of trading. I had no privilege to trade. My parole bound me not to run away or to give information to the enemy. We had a pass given to us allowing us a mile limit. Captain Wirz gave me the pass ; I do not know how he came to give it to me. I was no particular favorite of Captain Wirz's. Any of the clerks could have a pass and did have it. I had no special privileges—all his clerks had the same. He had never seen me before when he accepted me as a clerk. I wrote an application. He picked me up on my simply writing him a letter and installed me at his headquarters as clerk.

Q. And placed you at a desk only two feet from his own desk and admitted you into his confidence and intimacy—and all that without consideration, without reference and without your history being known to him ?

A. I was not very intimate with Captain Wirz. He never told me any secrets. He was not a friend of mine, nor I of his.

Q. How came you to have your desk within two feet of his ?

A. There were several desks in the room; all the clerks had the same privilege. There were three of us writing at the same desk. It was not a desk, but a table.

I did not have any extraordinary privileges—nothing more than other men had. This trading with the prisoners was in contravention of orders. I wanted to make some money and I traded ; I made my profits out of our own men by trading.

Q. What opportunities did you have for that ?

A. I was sick and could walk around, and I was in Captain Wirz's office. I got double rations outside ; I think I got eighty cents per day for my extra ration ; I drew one, sold the other to the commissary ; Martin paid the money to me for it. I was no special favorite with Captain Wirz. It was a favor to be taken ont of the stockade ; but what I mean to say is that it was not a special favor. He did nothing more for me than was done for eight or ten other clerks. He gave a pass to go at will from the stockade to all his clerks ; I staid in the captain's office from the latter part of April till August. I was admitting clerk. That duty occupied maybe three or four hours during the day. The rest of the day I helped Martin occasionally or walked around. I could not do much ; I did not trade so much until I got into the hospital.

By COUNSEL :

I came away from there with $140 in greenbacks and a $45 watch. That is all I made during a whole year there.

(By the COURT.) I made that by trading with our men. Not with our own men in the stockade. I never made anything out of our own men in the stockade that I know of. I found the men I made money out of in the hospital enclosure.

They were paroled men generally—attendants who could not get out of the hospital—who had no passes. I did not make anything out of the sick that I know of.

CONDITION OF THE WATER.

By the ASSISTANT JUDGE ADVOCATE:

Q. You say that you were ordered to knock down any man who bathed in the creek. Did you obey that order?

A. No man bathed in the creek that I know of. The order was as to any man who was caught washing in the creek.

The order was not obeyed that I know of. We were afraid to do anything of that kind, even when Captain Wirz ordered us. The washing there was not extensively practiced. For my part I never saw a man washing there. The creek was about two hundred yards from our office, and I was kept busy pretty much all the time. It would have required good axes, shovels and picks, I suppose, to dam the creek, and these articles could not be had. I do not think it was more work to dam up that creek at the three different points than it was to enlarge the stockade. The stockade was enlarged afterwards, and it was necessary to enlarge the stockade. It was necessary to dam the creek, but he had not the tools. I do not know of Captain Wirz making any efforts to procure articles for damming the creek. I merely heard him say he intended to do so. He did not make any requistion for tools for that purpose, nothing more than the requisitions for shovels; I believe he wanted them for the express purpose of constructing that dam; that was what he stated, and the dams could not be constructed without shovels, picks and axes. There were very few in camp; I do not know that I ever saw shovels there. There were a few that belonged to the citizens around there, that they would send in with their slaves. They did not belong to Captain Wirz's office.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Q. You say that Captain Wirz made an effort to impress slaves for extending the stockade; do you know what he did in reference to carrying on the work on the forts?

A. I only know what he said he had done.

My knowledge is limited to what he told clerks in the office; I was one of them; I do not know whether it was true or not. He specified what work he wanted men in the stockade to do; to help to enlarge the stockade. At that time there were some few laborers outside. Men who came out of the stockade finally helped to enlarge the stockade. After he crowded them so thick that they would not stay in; that was the only time they came out. Most of the men could not work. I understood that Captain Wirz's orders were from General Winder to put the men in three deep, and every man who had to go in there did not know where he was going to lie down. Very few men were fit to work, except those raiders, and they had clothes, money and everything, so that they did not want to work. They had everything that money could buy in the place. He made requisitions for axes before the stockade was enlarged. I did not hear any rumor of an attack on the post. I think he had the axes before the fortifications were extended; at the time the fortifications were enlarged, there was no difficulty in finding slaves to build them, or in finding tools; every slave brought his shovel or pick with him.

By the COURT:

I saw suffering inside the stockade certainly; they all suffered more or less They could not eat the food; it was not fit to eat. It would be hard for any man to eat the corn-bread they had there. There were plenty of sick men in there. I saw plenty of men dying in there. I never saw anybody naked in

there, although their clothes were good for nothing—nothing but rags. I saw men there without hats, without shoes, and without pants; but I have never seen them without all these things at one time. I have seen men without pants.

SHOOTING OF PRISONERS BY THE GUARDS.

By the ASSISTANT JUDGE ADVOCATE:

I had not anything to do with making out furloughs. Some of the clerks in the office wrote furloughs. I think if the men who guarded the prison wanted a furlough they could not obtain it without the authority of Captain Wirz. I think Captain Wirz had to approve passes. The captain of the company would sign the man's furlough and then Captain Wirz would approve it. Then it went back to General Winder. While men were on duty under Captain Wirz, I think the captain of the company did not have anything to do with them for that day. No furlough would originate with his captain under those circumstances; Wirz had control of all the guard. I do not think Captain Wirz had control of the furloughs of the men. When men were on duty at the stockade, Wirz had control of them. I only speak from my impression; I am not positive on that point.

By the COURT:

I was not in the stockade a great while—only three weeks, and I never saw a man shot there; of course there were men shot there.

MEN BITTEN BY THE DOGS.

By the ASSISTANT JUDGE ADVOCATE:

I do not know the real name of this man Frenchy. I cannot tell the month it was I saw him when he was hurt by the dogs; it may have been in July, and I think it was.

THE SUPPLIES FROM THE NORTH.

Q. Do you know whether the boxes sent to the address of men in the stockade reached them or not?

A. We found the addresses of some of the men from the book, and the boxes were sent to them into the stockade. Those that were not were sent to the hospital. So far as my knowledge goes that applies only to the boxes sent to Belle island. The sanitary goods were distributed to the hospital. I do not know of any of them being distributed in the stockade. There were thirteen blankets, some shirts, and several pairs of pants distributed to my ward, in which we had 80 men. The robbing of the boxes was done by Wirz's sergeants—Duncan, Ritchie, Kerr, and those men. Duncan frequently came up in the mornings and took whiskey and provisions of every kind out of that hospital commissary building. It was notorious that he did that; many of us knew it, but Captain Wirz did not know it. I knew it. I was in Captain Wirz's headquarters. Martin knew something about it. He was Captain Wirz's head clerk. If he had a confidential friend, Martin was the man.

Q. How do you know that Captain Wirz knew nothing about it?

A. When I see a man steal a thing, I do not suppose that the owner knows anything about it or the man having charge of it. These men would come to steal it in the morning before Wirz got there, and it looked as if he did not know anything about it.

By the COURT:

It was a small building situated back of Captain Wirz's office, where boxes were stored. I do not know the distance, perhaps 50 yards. It was kept locked by the hosptal steward, who kept the key. Wirz's sergeant had a key which fitted the lock. So he went in there stealthily; that was what I judge.

Q. Did the loss of these things come to Captain Wirz's knowledge?

A. I understood that Captain Wirz had nothing to do with them after he turned them over.

Question repeated.

A. Not that I know of. He did not know that they were stolen that I know of. He never placed a sentinel on that building that I know of.

THE RATIONS.

By the ASSISTANT JUDGE ADVOCATE:

The threat to court-martial the contractor who furnished this bad corn was never carried out. Captain Wirz did not threaten to court-martial the man; he said that he ought to be court-martialed—that he was robbing the confederate government. I do not know that he took any steps to have him court-martialed.

Q. What was the condition of the prisoners in regard to rations and clothing in the spring of 1865 as compared with their condition in August, 1864?

A. I do not know anything about the stockade at that time; I was in the hospital.

A COMPARISON BETWEEN ANDERSONVILLE AND OTHER REBEL PRISONS.

(By COUNSEL.) My treatment was about the same at Belle island as at Andersonville. If anything it was rougher at Belle island than at Andersonville. The clothing was about the same; but at Belle island we got, I suppose, just about half the rations. Andersonville was preferable.

The JUDGE ADVOCATE. I now propose to examine this witness for the government.

VACCINATION.

Q. What do you know with reference to the knowledge of Dr. White on the subject of impure vaccine matter?

A. I asked Dr. White to vaccinate me. I think it was during May. Dr. White did not say that the vaccine matter which he had was bad; but he gave me to understand so. He shook his head; as much as to say "Don't be vaccinated." He told me he would get a scab from a child in the country and vaccinate me with that.

ACTS OF CRUELTY COMMITTED BY DUNCAN.

Q. What do you know about Duncan's operations there?

Objected to by Mr. Baker on the ground that there was nothing affecting Duncan in the charges and specifications.

The JUDGE ADVOCATE remarked that this witness had been subpœnaed by the government and had been taken possession of by counsel for the accused.

Mr. BAKER. This man was one of the first witnesses on the list for the defence.

The PRESIDENT. There is no importance in that question at all.

The JUDGE ADVOCATE. I wish simply to remark that this is a witness for the government, and I desire to examine him. He comes within the agreement acceded to by the counsel. The evidence has already been introduced with reference to Duncan, and I desire to examine this witness on that point, which I think can be done with the same propriety as if it were evidence against Howell Cobb or any one else not named in the charge.

Mr. BAKER. It is attempted to examine this witness under the agreement made by myself and the judge advocate. I shall not object to that if I be allowed first to close my defence.

The JUDGE ADVOCATE. Do you want to close your defence now?

Mr. BAKER. Yes, sir.

The JUDGE ADVOCATE. Well, declare your defence closed.

Mr. BAKER. I do not; but I object to trying a case of this importance in such a way as we do try it sometimes, and in such a manner as is attempted by the judge advocate.

Colonel STIBBS. Is your objection to this man's being examined now, or to his being examined at all?

Mr. BAKER. I object simply to his being examined now, as out of order.

The JUDGE ADVOCATE. Then if this witness walk to the door or turn round three times it will meet the gentleman's objection.

(After deliberation, the objection was overruled.)

Q. State what you know with regard to Duncan's operations there in depriving soldiers of rations, &c.

A. I have seen Duncan speculating in whiskey that belonged to the hospital. I have seen him strike a couple of prisoners; they belonged to the hospital department, but were not in the hospital. I have seen him take men in the middle of the night and place them in the stocks and report it in the morning; that is, he said he would report it. That is all I have ever seen him do.

Q. What do you know with regard to his diverting the rations from their right direction?

A. He had charge of the cook-house. I never saw him do anything of that kind; I never saw him speculating in rations, but we always judged he did it. It could not have been done without his knowing it.

Q. What have you to say in that regard with reference to Ritchie?

A. Ritchie was with him. Ritchie was an assistant of Duncan; Humes also was an assistant. Ritchie was with Duncan when Duncan did these things; he drove the wagon that went into the stockade and carried the goods in and out of the stockade.

Q. What can you say in regard to Duncan and Ritchie being right-hand men of Captain Wirz?

A. Duncan and Ritchie would go round the stockade. They had their men inside, at least we judged that they had.

Mr. BAKER. State only what you know.

WITNESS. Duncan and Ritchie reported these tunnels; they were the principal men who reported tunnels or anything going wrong in the stockade.

Q. Were they closely connected with Captain Wirz in their duties?

A. Nothing more than that they were acting as detectives and would advise Captain Wirz to do this and do that; for instance, in regard to Wirz having the stocks made, I suppose——

Mr. BAKER. Don't state what you suppose.

WITNESS. Well, anything of that kind; they would suggest punishments; they would give their advice to Captain Wirz.

Q. With regard to what?

A. With regard to the way in which men should be punished; that if they had it in their power, they would do this or that. I don't know that Captain Wirz ever acted on their advice.

TREATMENT OF THE SICK.

Q. What have you to say in regard to Dr. Mudd and his manner of treating prisoners of war under his control?

A. I have seen Dr. Mudd come into the hospital when they would be amputating a limb; he would hold his thumb over the artery just at the thigh, and when the operator would be tying up the arteries he would take his finger off the artery and send the blood up into the man's face; he would laugh at the time as if he thought it was something funny; I have seen him do that on two

different occasions; I never saw him do anything but that. That is all I recollect in regard to Dr. Mudd. He did not appear to care about taking care of our men. Dr. Kerr was the rebel hospital steward; he would come into the hospital enclosure disguised as one of our men; he would wear different disguises; one night he would wear a ragged uniform, and the next night a very good uniform. I have seen him come into the hospital enclosure and strike a man across the face with his pistol for merely standing and talking to a guard. He carried a heavy pistol. He would strike a man right across the forehead. This he did frequently, although I never saw him do it but once, but I saw men whom he had struck. Once he robbed a man. He went and took some staff buttons from a sick man in my ward; he had them in his pocket and Dr. Kerr could not get them in any other way—so he confiscated them. Buttons were used as money to purchase goods; they were worth five dollars apiece. There were in the hospital six or seven messes of paroled men, and those men ate most of the vegetables. That was done while they were on duty in the hospital—these men and Captain Wirz's rebel sergeants. I never heard of Dr. White, Dr. Stevenson, or any of the surgeons doing that. Dr. Stevenson was in charge while I was there; Dr. White and Dr. Stevenson were there.

ACTS OF CRUELTY COMMITTED BY DUNCAN.

Cross-examined by COUNSEL:

I never saw Duncan take any of the things I have spoken about more than the whiskey; I saw that. I have heard him give Captain Wirz advice; I cannot say it was advice; he would tell Wirz what he would do if he had the power. He would simply say, if I were you I would do so and so. That was an every day occurrence very nearly.

Q. Can you remember one word that he said at those times? Can you tell what kind of advice he gave?

A. Nothing more than what I told you. He never gave him any advice directly, but only told what he would do. I have heard him mention that he would have this man bucked, or would have a ball and chain put on that man. I have heard him say that. I know that he reported to Captain Wirz that a couple of men had spoken favorably of General Fremont and "Old Abe," and he advised Captain Wirz to put these men in the negro squad. I heard him give that advice. I don't know exactly what month that was; think it was in July. I never heard him give such advice as that more than once. I cannot remember any other advice given by him. I do not recollect any other language besides that. I remember that, and that is all I remember. Duncan acted as a detective; all his work as done at night. I never saw him do anything; I only heard him report in the morning. That is the only way I know. We did not know any of the detectives except by reputation. He would report in the morning what he saw during the night; I cannot specify any particular thing. I don't know anything that he ever reported; nothing more than the tunnels. I considered him a detective, and I know that he and Ritchie and Humes reported tunnels. He would say that he thought there was a tunnel in this or that place by the motions of the men; he would see them working in the stockade during the night. He reported tunnels frequently; 84 tunnels were reported before August. Some were reported by our own men. Duncan did the same as our own men. I don't know which reported the most tunnels, Duncan or our own men; I think the majority was with our own men. So far as reporting tunnels, Duncan did not do as bad as our own men. I suppose it was his duty as a confederate officer to look out for those tunnels. I have told all that I know about Duncan.

Mr. BAKER stated that all the witnesses for the defence who were in attendance had now been examined. One witness who was in the city was at the present

time sick and unable to leave his house, and could not, probably, be present in court for some days; counsel, however, would not ask any delay on his account. Another witness, whose testimony was very lengthy and very important, was sick to-day, but would probably be in attendance to-morrow. If the government had no more witnesses to offer the defence would be willing to close now, without taking the testimony of the latter gentleman.

The JUDGE ADVOCATE stated that the government would probably be able to close its testimony to-morrow, so far as concerns particularly the prisoner on trial, although there might be some other evidence in reference to the general facts as to the conspiracy, &c. He suggested that the government should now offer the testimony of one or two witnesses who were present, and that the defence postpone closing until to-morrow, so that they might have the evidence of the witness who was expected to be here then.

IMPEACHMENT OF THE CREDIBILITY OF GEORGE W. FECHNOR A WITNESS FOR THE DEFENCE.

OCTOBER 13, 1865.

FREDERICK W. HILLE, for the prosecution:

I was in the service of the United States from May 16, 1861, until April 28, 1865, in the 2d Delaware regiment. I was a prisoner at Andersonville. I was captured near Petersburg on the 16th of June, was taken to Andersonville and was there from the 21st of June to the 16th of September, when I was taken to Florence. While at Andersonville I made the acquaintance of one G. W. Fechnor, who has been a witness in this case; he had a store there. His establishment was at the corner of the main street. It was not a sutler's establishment—he called it a fancy store.

Q. State what you know about Fechnor and the manner in which he conducted his trading operations there?

Mr. BAKER inquired what was the object of this line of examination?

The JUDGE ADVOCATE replied that the object was to impeach the credibility of the witness Fechnor.

Mr. BAKER said that the judge advocate was not pursuing the proper method to carry out that object.

Question modified. Do you know anything with regard to Fechnor's refusing to give food to men who were dying?

Mr. BAKER objected to the question. The witness might have refused food to 1,000 men, just as we may do the same here on Pennsylvania avenue, and the fact would be no impeachment of his credibility. If the object was to contradict the testimony of Fechnor in reference to any particular point, the record on that subject must be referred to, and if the object was to attack his general character for veracity, the question must simply be whether the witness knows his character for truth and veracity, and then what was his character in that respect.

The JUDGE ADVOCATE stated the points on which he proposed to contradict the witness Fechnor.

The PRESIDENT remarked that the proper course was to refer to the record in reference to any particular point on which it was proposed to contradict the witness.

The JUDGE ADVOCATE read the following from page 3866 of the record:

Q. Were you regarded as a man of honor?
A. Yes; I was.

State to the court whether this man Fechnor was regarded at Andersonville as a man of honor, and if not, why not?

Mr. BAKER. That will not do. You must ask the witness if he knows what was this man's reputation, and then ask him what that reputation was.

Question modified. Do you know how Fechnor stood among his comrades at Andersonville as a man of honor?

A. Yes, sir.

Q. State what you know on the whole subject.

A. Every one in the whole camp complained of his cruelty. He would not give anybody a cent there. He was connected with a gambling club of five or six; he would give them the money and they would go and gamble. He was known as a gambler; they called him always a gambler.

Q. What was his reputation as a man of honor there; had he any reputation of that kind?

A. I did not hear any reputation.

Q. What do you mean by that?

A. Everybody called him mean; and when a man is what I call mean, he cannot have any honor.

The JUDGE ADVOCATE read the following from page 3866 of the record:

Q. Was it honorable to fleece Union prisoners out of their money?
A. I did not fleece prisoners out of their money.

Q. Is that true or not?

A. He took money in this way; when men wanted anything he would say, "I will give you that if you will give me so much money." The man would ask him for five cents' worth or ten cents' worth of something, and because the man did not have two dollars to pay for it, he would say, "Go away, I dont want anything to do with you," and would refuse to give it to him. I once went down to him with 50 cents and asked him for some cakes with a little butter on them for a man who was in a dying condition——

Mr. BAKER. We object to this; let us understand whether the witness knows the meaning of the term fleece.

Q. What do you mean by fleecing a man out of his money?

A. Cheating a man out of some money.

Q. Go on and state the circumstances you were relating.

A. I once went down with 50 cents to get some cakes with butter on them for a dying man. He said that the charge was 75 cents. I said it was too hard to take money from a man in that way, that it was like robbery. He said, "Well, let the man die." He did not give me that. I once went down to him for another man, who gave me his watch, worth $50, to take. I asked Fechnor what he would give me for that watch. He said, "I will give you $2 for it." I said, "I cannot let you have it for that price." The man was pretty near dying and wanted something to eat. I went back to him and told him that Fechnor would not give him more than 2$. He said, "Give it to him for that; I must have something to eat before I die." I went back and he gave me $2 for the watch. I bought some cakes and a little cheese, which was all I got for that watch; six cakes and about an ounce of butter. They were small cakes, such as we buy here for a penny. A single one of those cakes there sold for 25 cents.

The JUDGE ADVOCATE read from page 3928 of the record the following:

Q. Did you gamble any while you were at Andersonville?
A. No, sir; I did not.

Q. What is the truth about that?

A. I know that he kept a gambling-board with nine numbers on it. The men had to give him so much money for the use of it, and if they would make $3 they would give him $1 50. That gambling-board was what they called a chuck-luck board.

The JUDGE ADVOCATE read from page 3942 of the record the following:

Q. Were you in partnership with the sutler?
A. No, sir.

Q. Did you ever share any of his profits?
A. No, sir.

Q. State whether this man Fechnor was in partnership with the sutler?

A. At one time they were in one shanty together—I saw the wagons, filled full of provisions, unloaded in that shanty. So far as I know they were in the same shanty about four weeks; I got sick then and was not able to go down there any more. They had to sell in that shanty onions, sausages, meat, cheese, butter, eggs, and different kinds of vegetables; flour and potatoes and tobacco. Fechtner was at one time chief of the police, as they called it chief of the regulators.

Q. How were the regulators regarded in camp there?

A. At first, after the execution of those six men who were hung, matters were very good; but about two weeks afterward the regulators themselves stole, robbed, and murdered more than was done before—more than the raiders. Three or four of the regulators, that I know of, went into a tent and stole things. I do not know anything about Fechnor's operations as a magistrate or chief of the regulators. I was never present at any of his investigations.

The JUDGE ADVOCATE read from page 3822 of the record the following:

Q. Do you know anything about suffering there on account of hunger? If so, describe it.
A. There was a great deal of suffering there on account of exposure to the weather.
Q. What about suffering from hunger?
A I cannot say that anybody suffered from hunger.

Q. Did or did not Fechnor see any suffering from hunger or starvation?

Objected to by counsel for the accused.

Question modified. Did you see Fechnor looking upon persons who were suffering from hunger, or did you witness persons at his tent who were suffering from hunger at the time he was there?

A. No, sir.

Q. State what you saw.

A. One day, on the 12th of August, I went down Main street. One man lay right behind the tent and Fechnor was looking out of the window. Some person asked Fechnor to give that man a drink of water or whiskey as he was in a dying condition. Fechnor said, "Oh, let him die, what do I care." The man was lying at his tent. There was a big window where they gave the provisions out.

By the COURT:

I mean a shanty. The man died about an hour afterward. I went down there and he lay there dead. He was broken down with hunger. He died in front of Fechnor's tent or shanty.

By the JUDGE ADVOCATE:

I did not know Fechnor's partner. I knew him by face, not by name.

Q. What was his character?

Objected to by counsel for accused and question withdrawn.

Cross-examined by COUNSEL:

I reside in Philadelphia. I have resided there about 11 years. I was in the army four years and eight months; I was in the 2d Delaware regiment; I was in the regiment two years 11 months and 21 days before I was captured. I was captured in front of Petersburg, on the 16th of June, 1864; I was taken right to Andersonville; I was at no other prison; I arrived at Andersonville on the 21st of June, 1864.

Q. Did you go immediately into the stockade?

A. We had to stay about four hours before they took our names; we were

about 600 or 700. I stayed in the stockade from June 21 to September 16, when I was taken to Florence. I have been in attendance upon this court two days. I have not while here seen Fechnor. He was a big man, stout, full-faced, at the time I knew him. I don't know how he looked here. I don't know whether he had light or dark hair. I think his complexion was light; I don't know for sure; I would not like to be sure about that. I cannot answer as to whether he had a light eye or a dark eye.

Q. Had he a small mouth, or a large one?

A. I never looked into that. I cannot say exactly how many times I saw him—more than fifty or a hundred times. I have seen him on the street in his shirt. He was a man of about 26 years of age, I guess; you cannot tell a man's age in such a condition as we were in there. I have been in his shop or shanty; at first it was situated pretty near the upper gate—the gate on the north side; it was near the dead-line; it was even ground there; the ground was not higher or lower than that near it; it was on what I call level ground; his shanty was made of boards; it was covered with boards; the sides were covered with boards; the ends also; I guess it was about 12 by 15 feet; it had in it different kinds of things to sell; there were onions, tobacco, eggs, butter, cheese, potatoes; he had a partner connected with him there; I heard it was his partner; I don't know anything about it. He had the name up, "Fechnor & Co." At another time I saw on the sign "fancy store;" it was no regular sign; it was simply letters on the boards of the shanty—on the side of the shanty; he did not have any other sign; I did not see any. I cannot tell exactly how many times I was there when I saw that sign; maybe I saw it four or five times, and maybe twenty. I am sure it was right on the side of the door; I saw it there. His name was spelled Fechnor. I don't know that he went by the name of Ross there; I never heard him called Ross; I don't know that everybody there knew him by the name of Ross; he told me himself that his name was Fechnor; I never heard that his name was Ross; it may be that that was the name of his partner; I don't know. I did not see any large sign over his place; I never saw anything about the size of that curtain (about ten feet by four) hanging there, over his place; I never saw that; and I was there a great many times; maybe that was after I was sick, and did not go down there any more. The middle of August I was taken sick. If you were on the side where the sign was you could see it. I cannot tell anything that was on his sign except his name.

STATEMENT IN REFERENCE TO DR. MUDD'S COMPLICITY.

Upon the meeting of the court on the 14th of October, the judge advocate said: I desire to make a statement to the court in reference to Dr. Mudd. The only evidence against him appears to be that, in two instances, when holding an artery for amputation, he removed his thumb, and let the blood spirt in the face of the assistant operator—as the witness supposed, purposely and to make sport. I am assured by Dr. Bates, whom I regard as a very reliable gentleman, that Dr. Mudd is not capable of doing an inhuman act of that kind. I do not wish to be the means of attaching opprobrium to Dr. Mudd. Dr. Bates says that he was present on one of those occasions, and that this was one of those ordinary occurrences that take place in amputations, where the operator is obliged to let the artery display itself. I therefore hope that Dr. Mudd is not to be connected in this case.

General THOMAS. I have seen a great many amputations, and I know that that is a common practice; it is constantly done, and must be done.

The JUDGE ADVOCATE. I felt it due to Dr. Mudd that he should have the benefit of this public statement. I do not think that it is the purpose of this court, and it certainly is no part of my purpose, to attach any blame to any one wrongfully or improperly.

A COMPARISON BETWEEN ANDERSONVILLE AND OTHER REBEL PRISONS.

OCTOBER 14, 1865.

EDWARD WELLINGTON BOATE, for the defence:

I was in the service of the United States; in the 42 New York volunteers. I was a prisoner at Andersonville from February 24, 1864, till August 7, 1864; I was taken prisoner October 14, 1863. I was first taken to Belle island; I was there from October 24, 1863, till February 19, 1864, when I left Belle island for Andersonville, where I arrived the 24th of the same month. The fare at Andersonville was about three times the quantity, both in meat and meal, that it was at Belle island; in other respects it was better—better at Andersonville than Belle island. I had meat at Belle island the last month before I left twice, with an interval of a fortnight between the two times. At Belle island we got quarter rations—a quarter of a loaf of bread, with a small bit of meat about that size, (about five inches by three)

Q. What was the condition of Andersonville when you were taken there as to the number of prisoners, the condition of the prison as to coverings, conveniences, &c.?

A. I was among the second five hundred that arrived at Andersonville. There was no tent fixed up, except a small one made of pine boughs. The prison was not completed; the stockade was but three-quarters built; one-quarter was not completed.

Q. What was the condition as to health of the prisoners carried with you to Andersonville from Belle island, in comparison with those at Andersonville?

A. They were sick generally; some of them died on the way; some were sick in the car in which I was conveyed.

THE RATIONS.

My first rations at Andersonville were about a pound of beef, salt and fresh and two sanitary cups of meal; no coffee. We got beans at the same time. We got sweet potatoes the day of our arrival. The rations diminished. Instead of two sanitary cups of meal, we received sometimes a cup and a half. The rations got smaller as the prisoners increased. I arrived there at night, and the next morning Sergeant Duncan gave to each squad about six skillets, so far as I remember, for cooking our rations, stating that as soon as the cook-house and bakery were completed, we would receive cooked rations. The cook-house at that time was in course of completion. I think it must have been in the month of April that I got cooked rations. Our own men did the cooking at the bake-house. The bread cooked there was bad; it was burned on the outside, and raw on the inside; this was not always the case, but generally it was; it was badly baked. The prisoners sometimes ate the rations, and sometimes they could not eat them and threw them away; I speak now with regard to the bread.

By the JUDGE ADVOCATE:

I am speaking of my fellow-prisoners in the stockade.

CONDITION OF THE PRISONERS IN THE STOCKADE.

In the course of probably two months after I reached there they diked the swamp; they improved it; they fixed it up for water at the head of the stockade, as they used to call it, and for washing purposes at a certain point. The police squad did exactly what I was just telling you; they diked the swamp. So far as I know, they had to clean the place every morning. How large that squad was, or of what it consisted, is a matter merely of opinion—about 150 men, so far as I know.

Q. What was the condition of the stockade as to comfort and convenience for the first two or three months you were there?

A. The men had the privilege, generally, of getting pine boughs and erecting tents for themselves. So far as I can form an opinion, the causes of the stockade being so rapidly filled up were the campaigns of General Grant and General Sherman. The stockade was originally intended, so far as I could understand, for ten thousand men.

The JUDGE ADVOCATE. State only what you know.

I knew to what armies the men coming in belonged.

Q. Do you know anything about efforts to get prisoners to enlarge the stockade, and what was said and done on that occasion?

A. I remember Captain Wirz having a number of men brought out——

By the JUDGE ADVOCATE:

I was then detailed to go out with them; I did not go out with them. I was in Dr. White's department at the time. A number of prisoners came before Captain Wirz; he had sent for them; he said, "Now, that stockade below is too crowded for you, and I have no labor to increase the size of it; all the black labor is engaged on farms, and I have hardly enough men, in fact, to guard you; I ask you to come out; I will give you axes; come out and increase the stockade to any extent that is necessary for you."

The reply was, "Captain Wirz, we do not want to come out to work, for we have been told by recent prisoners who have arrived in the stockade, that if we go to work for rebels our pay will be stopped, and we will be tried and probably sent to the Dry Tortugas."

(To the court.) I heard this conversation myself. Captain Wirz said, "Your government are not such rascals or such fools as to blame or punish you if I can give you ten feet of room instead of four, if you come out and work for it."

I know there were 1,500 prisoners coming in some days, at least I estimated it at that number. I know of an investigation in reference to the class of prisoners most liable to sickness and death, the Belle island prisoners. When the mortality became so great it became a question there as to what class of prisoners that mortality was the greatest among, and I heard a discussion between Dr. White and Captain Wirz. Dr. White had a theory, and he brought facts to substantiate it, that they were the prisoners from Belle island who suffered most; and it was apparent to all of us that such was the case.

STOPPAGE OF RATIONS.

About the 17th of March, as far as my memory will reach, there was a general count of prisoners. The count first took place on the north side of the stockade; but as each hundred was counted, they were dismissed to their quarters. As the sergeants were counting them along our own men went across the swamp and joined the south side, and endeavored to get under different names from their real names, they being in the second squad. The effect of that was that our rations were stopped, as I understand, until the count was fixed correctly.

Q. Do you know to what extent they had carried that?

A. It is a matter of hearsay that it amounted to 1,700 or 2,000 rations. I have not seen the figures; but I have been told so. I knew of the thing being done, but I did not know the extent. In a day or two afterwards the prisoners inside spoke to Captain Wirz about it, and he said: "I have no interest in the world in stopping your rations; but you have not done what was right, and I was obliged to stop your rations on that day." That is the substance of his remarks.

By the COURT:

I got nothing at all to eat that day except a handful of meal that I had from the day before. Some of the others had some from the day before; generally speaking they had a small portion of rations from the day before.

Generally speaking the rations were issued between 9 and 10 o'clock in the morning, and they saved a part of their rations until the next day; they had a small remnant of them. The ration was then about a pint and a quarter of meal, and some little beef, about three-quarters of a pound. There were some bones occasionally.

By COUNSEL:

About that time it was frequent to have some of our rations left over. That was before they got so short.

Q. Can you tell how the sergeants would make up their numbers when any were missing?

A. In my own squad there were three or four, probably five, as far as I remember, who made their escape; and the sergeant of the squad called men from another squad before the sergeant counted and made up the number. That could not be done generally, but it was done on this occasion probably five days consecutively. The sergeant was brought out and subjected to severe reprimand from Captain Wirz; he told me so; that was, if it was found out.

THE CHARGES OF MURDER AGAINST WIRZ.

During the time I remained in the stockade, I never knew or heard of Captain Wirz committing any assault on any prisoner there. I never heard of such a thing as Captain Wirz shooting, beating, or in any way injuring a man so that he died, until this trial.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

Q. What do you know about an outbreak there?

A. I did not know anything about an outbreak; but I heard that there was to be such a thing. I know that Captain Wirz sent for the sergeants and addressed them. (To the court.) It was at his headquarters. They were brought out. He said to them: "Men, I am aware that there is an outbreak on foot, and I desire to warn you. I do not wish to take any advantage of your position, but if you attempt it I will be obliged to open the artillery here upon you. I advise you, therefore, as sensible men, not to attempt anything of the kind." On that occasion one of the soldiers said: "Captain Wirz, will you help us to get exchanged out of this place? Will you forward a petition for us?" He replied, "certainly," and said in addition to that, "I suppose you are short of stationery down in the stockade; come in and help yourselves to as much paper and stationery as you require." On that occasion Private Higginson, who has since been made a major, came in and took away a quantity of paper from Captain Wirz's office.

Q. Did that have the effect of preventing for a while the constant attempts to break out?

A. I cannot tell anything about that.

Q. Did you hear of any attempts for some time afterwards?

A. No, sir.

Q. Was that the occasion when the prisoners had formed a plan to turn the guns on the rebel guard, and overpower them?

A. I do not know anything about that.

General THOMAS, (to Mr. Baker.) You have several times assumed that to be the fact, but, so far as I know, there has been no evidence showing it.

Mr. BAKER. It is a fact sworn to by government witnesses, and you, general,

I recollect, interrogated a witness on that point; and when he made his statement you remarked, "That is someting new to me."

General THOMAS. That is not my recollection, and I would like to have the record referred to on that point.

Mr. BAKER. I am confident that the record will show my position to be correct.

The JUDGE ADVOCATE. I do not think the record will sustain the gentleman.

Mr. BAKER. Well, look it up.

The JUDGE ADVOCATE. The burden of proof is upon you.

Mr. BAKER. Not at all. Major Bogle, a witness whom we intended to examine to show that he originated that plan himself, we were not allowed to retain. I wanted him retained for that purpose, but the judge advocate refused to subpœna him.

The JUDGE ADVOCATE. Mr. Baker, that is false.

Mr. BAKER. It is not false. You told me, the last word you said on the subject, that he should be here.

The JUDGE ADVOCATE. I ask the court to quiet the gentleman, or I will ask permission to do it myself. I say distinctly that I have never refused to subpœna Major Bogle as a witness for the defence. I say it on the honor of an officer and a gentleman, and I defy any gentleman to prove the contrary.

Mr. BAKER rose to reply, when——

The PRESIDENT. Gentlemen, this controversy must not go one word further. Mr. Baker, you will proceed with your examination.

Mr. BAKER. I ask permission of the court for one moment.

The PRESIDENT. No, sir; let it stop here. There is no need of any explanation; the matter has gone far enough.

Mr. BAKER. I do not want to make an explanation, but——

The PRESIDENT. Proceed with your examination; you must obey the order of the court.

Mr. BAKER. I will obey the order of the court, but——

The PRESIDENT. Go on with your examination, or else leave the case.

Mr. BAKER. I will not have an assertion made here that I have not the power to correct.

The PRESIDENT. Take your seat, sir; we must have order.

Mr. BAKER. Have I not the right to ask the court a question?

The PRESIDENT. I will order you out of the court-room, sir, if you do not take your seat or else proceed with your examination.

Mr. BAKER. I ask permission of the court respectfully to ask a question, and it can hardly refuse me.

The PRESIDENT. To ask a question of the witness?

Mr. BAKER. No, sir; a question of the court.

The PRESIDENT. Proceed with the examination of the witness.

Mr. BAKER. Then I will have to correct the matter outside if I am not allowed to do so here.

The JUDGE ADVOCATE. I will meet you on any occasion, and in any place.

Mr. BAKER. I don't want to meet you; I simply want to correct your assertion.

General THOMAS. If this does not cease instantly, I shall move to expel the counsel.

General GEARY. And I will second the motion.

The PRESIDENT. That would be perfectly justifiable. The course of the counsel is altogether unendurable.

The JUDGE ADVOCATE. I hope the counsel will be permitted to go on with his case, as this is a personal matter.

The PRESIDENT (to Mr. Baker.) Do you wish to proceed with the examination of the witness?

Mr. BAKER. I wish to proceed if I can have the same privileges as the counsel for the government.

The JUDGE ADVOCATE. I certainly hope that the gentleman will be allowed to proceed with his examination.

The PRESIDENT (to Mr. Baker.) Go on with your examination of the witness.

Mr. BAKER. I do not disobey any order of this court or any other.

The examination of the witness was resumed.

Q. What do you know as to the proceedings taken at Andersonville to have our prisoners exchanged?

A. I know that they held meetings in camp and appointed six men as a committee, I being the chairman, to come forward to the late President and seek an exchange of prisoners.

Q. Did General Winder or Captain Wirz have anything to do with that?

A. Captain Wirz seconded that effort, I thought, as far as he was capable of doing; and General Winder, with whom I had two interviews, forwarded to our late President our papers and a copy of the resolutions and memorial requesting that he would permit us to leave the stockade and come forward to Washington.

Q. Was that shortly after this matter of the outbreak, or about that time?

A. The matter seemed to me to have originated at the time that Captain Wirz sent for those men with respect to the intended outbreak.

Q. Can you tell in what month that was?

A. I suppose it must have been some time in the month of June—perhaps about the 24th or 25th; I am not positive.

(A paper was here shown to witness.)

Q. Examine that paper and state what it is.

A. I believe it is a copy of the memorial and proceedings had at Andersonville which I with others came forward to present to the late President.

Q. While you were there did you see the petition?

A. I saw the original petition.

Q. Do you know anything about the handwriting?

A. I believe it to be in the handwriting of one of the six who came forward; I think it is Dennison's handwriting; I am not satisfied about that.

Q. Was Dennison one of the parties chosen?

A. He was one of the six.

Q. Do you know whether the original was destroyed or not?

A. The original was given into the hands of Colonel Hall, at Hilton Head, with a letter from Major General Stoneman.

The JUDGE ADVOCATE. State nothing but what you know.

Q. You were one of the committee chosen to come on with that memorial?

A. Yes, sir; the paper was taken from me by Lieutenant Tracy, who testified on this stand, and was brought to Colonel Hall, who was deputy provost marshal. I have no desire to give any testimony except what I know. I am satisfied these are the facts.

Q. Can you tell the number of prisoners who were chosen there to go to Washington?

A. Six.

Q. Can you give the names of each of them?

A. Yes, sir; they were Prescott Tracy, Sylvester Norrit, Dennison, Johnson, and Higginson, (whose first names I do not know,) and myself.

Q. Were any others associated with you? What were the whole number of them?

A. Twenty-one, but they had no reference to the question of exchange. There were twenty-one sent forward from Andersonville on this ground, as I heard stated by Captain Winder——

The JUDGE ADVOCATE. You need not state that.

Q. Did they leave Andersonville?

A. Yes, sir; twenty-one, including the six commissioners.

Q. Were you among them?

A. Yes, sir.

Q. Where did you go?

A. We came to Macon; from Macon we went to Augusta; then down to Charleston; from Charleston to Beaufort, and from there to a place in the neighborhood called Pocotaligo, where we were exchanged; that is nine out of twenty-one; two of the six were detained.

Q. You were allowed to come north on your errand?

A. Yes, sir; we came to New York and sent forward Tracy and Norrit to the President.

Q. Did you receive any communications from them afterwards?

A. I received a letter from Lieutenant Tracy, which I presume you have in your possession—at least a copy of it.

Mr. BAKER. I now propose to offer in evidence the paper which has been exhibited to the witness.

The JUDGE ADVOCATE objected. He said that there was no evidence that the original ever reached any of the United States authorities, and there was no evidence that the original had ever been destroyed, or had been disposed of in such a way as that it could not be procured in court. In addition to that, there was no evidence that the paper now produced here is an accurate copy of the original. In the second place the evidence proposed was wholly immaterial and irrelevant as a defence. It did not make any difference as to the guilt of the prisoner whether our government had received a petition of this kind or not; and if the evidence was admitted, it would throw upon the prosecution the burden of proving that the United States government was not responsible in the matter. If that question should be gone into, the case would be indefinitely prolonged.

Mr. BAKER replied that the witness had shown that the original paper had been placed in the hands of Colonel Hall, a United States officer. The papers of all United States officers are the property of the government, and are supposed to be in its charge and custody. The government must produce the paper, or we have a right to produce a copy.

The JUDGE ADVOCATE. The government has not been asked to produce it, and I do not know that it is now in the custody of the government.

Mr. BAKER. It would not be of any use for me to ask you for it. In the next place Captain Wirz is charged here with conspiring with certain other persons to destroy the health and lives of Union prisoners under his care. We propose to show that, so far from his being implicated in any such attempt, he took active measures with a view to having our government effect an exchange and get those prisoners out of his hands—that he actually sent those six Union prisoners to our government to beg that an exchange might be effected.

The JUDGE ADVOCATE. The court will observe that those persons did not act in any official capacity whatever. Besides that, it may be admitted that General Winder and Captain Wirz did allow certain persons to come north, and yet that might be no material matter for the defence. The parties representing the rebel government at Andersonville have no authority whatever with regard to the exchange of prisoners; and neither the rebel government nor the United States government would be at all bound by their action. In reply to his assumption that I have that record in my possession, I will say that I have it not. He has remarked also that I would not give it to him if he asked it. In reply to that I must say that I would most cheerfully give him that paper if it were in the power of the government to produce it.

Mr. BAKER. I did not say that you had it. I said that the presumption was that it was in possession of the government.

The JUDGE ADVOCATE. If the gentleman requests it, I will send to the War Department and get an official statement that no such document has ever been received.

Mr. BAKER. That would not be necessary, because so long as we show that it was put into the hands of a government officer, that answers our purpose. The presumption is that it is now in the hands of the government.

WITNESS. It was printed in all the papers at the time.

Mr. BAKER. The judge advocate has remarked that General Winder and Captain Wirz had no authority in reference to the exchange of prisoners. That makes the case so much the stronger for us. It would tend to show that they took the responsibility of going outside of their authority in order to do this humane act.

The PRESIDENT remarked that it had not been shown with sufficient distinctness in the evidence thus far that the paper now offered was a copy of the original.

Mr. BAKER. I will ask the witness to examine the paper more thoroughly, and state whether it is a true copy.

WITNESS. All I can swear about it is that I believe it to be a true copy. I have had it in my possession since I arrived in New York. There were several copies of it.

Q. (By the JUDGE ADVOCATE.) Did you see the original given to Colonel Hall?

A. I did not; after examining this paper, I believe it to be a true copy of the original.

Q. In whose handwriting is it?

A. I believe it is Dennison's handwriting.

Q. Have you seen him write?

A. Yes, sir.

Q. Frequently or otherwise?

A. Not frequently. I saw the original; and this is to the same purport and the same effect.

By the COURT:

Q. Where is Dennison?

A. I do not know; we left him behind at Pocotaligo; only nine of us could get exchanged, and two of the committee were retained.

Q. To whom was this paper given?

A. Tracy came to me for it. I was custodian of the papers. He came to me at Hilton Head and said Colonel Hall would forward our efforts for exchange as much as he possibly could.

Q. Who was Colonel Hall?

A. Deputy provost marshal at Hilton Head under General Foster, as far as I understood. I gave Tracy the papers, including the letter from Major General Stoneman, and, so far as I could see, he took them across to Colonel Hall. I saw them afterwards printed contemporaneously with my arrival in New York. On my arrival at the Herald office to give a description of the sufferings of the prisoners at Andersonville, there were exhibited to me copies on tissue paper of those documents which had been brought on from Andersonville and from General Stoneman.

Q. Did you see the paper delivered to Colonel Hall?

A. I did not see it delivered, but I have my own moral conviction that it was.

Q. Who do you think delivered it?

A. Lieutenant Tracy.

Q. But you have no knowledge of the fact?

A. No, sir; I did not see it done. I saw it printed afterwards in a news paper. It was sent forward by the Associated Press.

Q. From where was it sent forward?

A. From Colonel Hall's department, but I do not know who sent it.

Q. Did you furnish it to the Associated Press?

A. No, sir.

Q. Who did?

A. When it left my custody, it was given into the custody of Tracy, who I understood took it to Colonel Hall.

Q. You do not know who furnished it to the Associated Press?

A. No, sir.

The court was cleared for deliberation, and when the doors were reopened,

The PRESIDENT stated: Mr. Baker, the court are of opinion that there is not sufficient evidence that the paper which you seek to introduce was ever put into the hands of the government or reached the government authorities officially or in any way; and that in the next place, even if there is sufficient evidence to justify the presumption that the paper did reach the government in any manner, there is not sufficient proof of the loss of the original paper so as to justify the introduction of this supposed copy. In order that you may not be deprived of any benefit which you may expect to derive from the introduction of this paper, the court have directed the judge advocate to apply to the government officially to ascertain whether or not such a paper ever did get into the hands of the government, with the understanding that at any time hereafter during the trial this paper, when the proper foundation has been laid, may be introduced.

Q. You arrived in New York on that errand on your way to Washington?

A. Yes, sir.

Q. What did you and your comrades do after arriving north?

A. I was ill and confined to my bed, and Tracy, who took the management of affairs into his own hands, applied to General Dix for transportation to come on to Washington, and he was refused, so far as I understand; and the Sanitary Commission obtained for us transportation. Tracy came on to Washington.

Q. Did you in any way relinquish your position and confer it upon Tracy?

A. I did, and I wrote him a letter, which has been published, descriptive of our sufferings at Andersonville. He came to Washington.

The JUDGE ADVOCATE. You need not state that, if you did not come with him.

Q. Did you send him?

A. Yes, sir; I sent him. I wrote a letter declining my position as chairman of the committee. In a day or two I received a letter from him to the effect that the President ——

The JUDGE ADVOCATE. You need not state further. I object to any evidence of the contents of that letter.

Q. Is that original letter out of your possession?

A. Yes, sir.

Q. Do you know anything about where it is?

A. No, sir; the original, I believe, is destroyed. There is a copy in existence.

Mr. BAKER. Having now shown that this letter was destroyed, we now propose to show that this witness received a letter from his associates on that committee, dated Washington, which stated in substance that they were here waiting on the authorities, making known their business to the authorities, and were refused to confer with the authorities on that subject.

The PRESIDENT. What authorities?

Mr. BAKER. The President and Secretary of War as I understand—one or both of them. I will not be particular on that subject. The highest authorities who had anything to do with that subject.

The JUDGE ADVOCATE. The witness has stated that he did not come to Washington, and the proposition is to prove by him that somebody else came here and did something of which he has no knowledge. The proposition of the counsel

is to prove, in this unheard-of way, a fact which can scarcely be believed of a man whose name and fame are so unstained and so unimpeachable as that of President Lincoln. That this committee were refused a conference with the late President upon a subject of this kind is improbable, and I may say preposterous. This court must not allow a slander of that kind against the memory of so great and good a man as President Lincoln to be repeated by this witness who has no knowledge of the facts.

Mr. BAKER. The judge advocate certainly has not understood properly the offer of evidence which I made. His stump speech with regard to President Lincoln has nothing to do whatever with my proposition. He has no more reverence for the memory of that great man than I have, and I would be the last one to say anything that would reflect in any way on President Lincoln, or any one connected with the government. But my duty as a lawyer here is to show that my client is not guilty of the enormities charged against him, and in doing so I propose to show that he made efforts to have the prisoners released and allowed to go to their homes. Our proposition is to show that this committee informed a member of it, who stated the fact, in a letter which has been destroyed, that they could not get an interview after trying for two or three days. I will not be certain whether it was with the President or the Secretary of War, or both, but that they could not succeed in obtaining a conference with what I may denominate the head of the government. I have followed this up by the testimony of Colonel Ould (and this statement has been made to the counsel for the government) that after this a proposition was made to the federal government to send 15,000 of these prisoners home from Andersonville without asking any equivalent, so anxious were the authorities there to get rid of these prisoners, and that that proposition was refused.

General THOMAS, (to Mr. Baker.) Why do you not produce the person who came to Washington?

Mr. BAKER. The government has examined him and sent him away.

The JUDGE ADVOCATE. You did not ask for him.

Mr. BAKER. Of course I did not, because I did not know at that time that he was a member of that committee; but if I had known it, I would have had him retained.

The PRESIDENT. Is his whereabouts known?

The JUDGE ADVOCATE. Yes, sir; he can be found in 24 hours.

Mr. BAKER. Then produce him for us. We ask for him, and we also ask for Colonel Ould.

The JUDGE ADVOCATE. You said a few days ago that you did not want Colonel Ould.

Mr. BAKER. I agreed to ask no more adjournments for him or any other witnesses, but when you place me in this position, I turn upon you and say, give me the testimony of this man.

The JUDGE ADVOCATE. The only practical point in the evidence offered by the defence is that Captain Wirz and General Winder made efforts leading to the coming of certain persons here to Washington. What these persons did has nothing whatever to do with this case. When it has been shown that General Winder or Captain Wirz expressed a wish or intention on that subject, that is all there is in the matter. Whether our government acted rightly or wrongly on the subject can be no defence with them. If the evidence which is offered be allowed to come in, the court may be required to sit some time longer to determine whether the government of the United States is to blame in the matter. Mr. Tracy has been here as a witness for the government, and he would have been retained for the defence if he had been asked, or would have been subpœnaed subsequently if such a request had been made. But now, here at the close of the trial, we are called upon to meet points which seem purposely to have been reserved for this occasion.

Colonel STIBBS inquired of Mr. Baker what was the object in offering the proposed evidence.

Mr. BAKER. To show that the committee came forward and that they did their duty; that they were a committee for a legitimate purpose, and that they tried to carry out that purpose. I propose afterward to show that Colonel Ould tried to do the same thing in another way.

General THOMAS. It is perfectly well known that our government would not consent to the exchange of prisoners so long as the rebel government refused to recognize the United States colored troops as prisoners of war, and murdered them. Our government was certainly right in the position which it took. and would not have been justified in taking any other.

Mr. BAKER. I know that there is a great question in reference to that, but I want to avoid all that.

The court, after deliberation, sustained the objection.

Q. Do you know anything about any ladies being brought to Andersonville with prisoners, the wives of prisoners? If so, state what treatment they received from Captain Wirz

A. Yes, sir; two ladies came there in that way. As to the first lady who came with her husband, (I did not know her name,) I understood (if this will be admissible testimony) that Captain Wirz sent her to his own house, and that, she having insulted the family, he removed her. The other lady was in a very delicate condition, and Captain Wirz gave her and her husband a tent at headquarters—one of the best tents he had—until her illness was over, and he had her kindly treated.

Q. What order did he give in relation to her treatment?

A. He had a tent ordered for herself and husband, and paroled her husband—detailed him in connection with the hospital during her illness.

Q. Do you know anything about little boys who were brought there as prisoners?

A. I know that about seventy, or probably eighty boys were paroled—brought out and put on nominal detail duty connected with the hospital. I know that they were permitted to go and pick blackberries, and Captain Wirz ordered them to be given tin pails to pick their blackberries in.

TREATMENT OF THE SICK.

There was an average of a barrel of whiskey a day sent to the hospital and stockade for the prisoners. Eggs were sent to the hospital, not the stockade. Tea, sugar, and matters of that kind were sent to the hospital daily. I know that eggs were selling at Andersonville around there at $3 50 per dozen. I will not speak in regard to the eggs, but I will speak in regard to the vegetables. Dr. White, not Captain Wirz, gave the order, "Bring all you can find of these things and I will pay you any price." They came in very limited quantities, but I heard Captain Wirz offer to pay any price that they demanded, and tell them to bring him all the articles of that character that they could find round the country. I know something in reference to the sickness of the surgeons; I knew Dr. White and his assistant to be sick there from the prevailing disease from time to time. I know something in regard to the sickness of Captain Wirz; I knew that he was very weak and was obliged sometimes to rest and sleep in the day-time on a bed in Dr. White's room. I know that I wrote requisition after requisition from time to time to the medical headquarters at Macon, and I know that Dr. White went to Macon—that is, so far as I know, he did—he left Andersonville and went several times to hurry on medicines for the men. Medicines were sometimes very scarce; very often for weeks they had none.

PROPOSITIONS MADE TO PRISONERS TO JOIN THE REBEL ARMY.

Q. Did you know anything about letters from our prisoners offering to take the oath of allegiance to the southern confederacy?

A. Captain Wirz showed me several letters. Sometimes there were as many as twenty from our men in the stockade—at least, I believe so; I did not see them written—offering to take the oath of allegiance. He told me, "Destroy these letters. I don't like a deserter, north or south."

THE HANGING OF THE RAIDERS.

Q. Do you know anthing about the trial and conviction of the raiders—who they were, what they were, &c.?

A. Yes, sir.

The JUDGE ADVOCATE. If there is nothing additional to be shown on this subject, I will admit the fact so far as you have proved it.

Mr. BAKER. We have all the original documents here which we propose to put in.

I was official reporter of the trial on that occasion.

Q. What were the circumstances of the organization of that trial?

A. One morning a man named Dowd was brought out from the stockade to Captain Wirz's headquarters. His face was bleeding, and there were marks of violence on his person. His pants were turned up and his shins apparently had been kicked; they were all battered; there were abrasions upon them. He made his complaint that he had been attacked.

The JUDGE ADVOCATE. You need not state what the complaint was. State merely what was done in consequence of his complaint.

WITNESS. In consequence of it an order was issued by General Winder through the instrumentality of Captain Wirz, authorizing a number of men to hold a court for the trial of those raiders, and a court was established. The members of that court were selected from the most recently arrived sergeants of squads.

Q. Why was that done?

A. They wished to avoid any appearance of partiality or prejudice. That was the reason assigned—that if the men selected had known at Belle island or elsewhere these prisoners who were put upon their trial, they might be prejudiced against them, hearing of their evil deeds previously. Twenty-four were selected from all the sergeants of squads who had been brought that morning from Captain Wirz's headquarters. From these twenty-four twelve were balloted for. I reported the proceedings. The trial was held. I presume you (addressing Mr. Baker) have the proceedings and know all about it. There was an order from General Winder authorizing the formation and establishment of the court. I copied it myself from the original document.

Q. (A document being exhibited to the witness.) Examine that document and state whether it embraced the original proceedings of that trial, the order of General Winder, and everything of that kind.

A. Yes, sir. The order authorizing the execution of the sentence is not there, but there is, I believe, in your hands a printed copy which I can prove to be a true copy.

(By the JUDGE ADVOCATE:) The charges are embraced in the order of General Winder. If you will take it from a newspaper I will swear that it is a true copy.

Q. (A printed slip being shown to the witness.) Examine that and state whether it is a copy of the order of General Winder.

A. That is a copy of the original document as I saw it. The original was destroyed.

(By the JUDGE ADVOCATE:) Well, it was worn away and broken. I did

not have the original, but I saw the copy which was made of the original, and which I retained. The printed document which I have before me is the document ordering these men to be executed. It is a copy of a document, the original of which I saw, and I saw a copy made of it, signed by John H. Winder. It approves the sentence ordering the execution.

Q. What is the written document which has been handed to you, and what does it contain ?

A. There is here a written paper authorizing the formation and constitution of the court; it is signed by General Winder. The proceedings set forth in that document are the testimony taken before the twelve jurors and the court at that time. It was taken down by myself. That is the original paper taken at the time.

Mr. BAKER proposed to offer in evidence the written document and the printed slip just exhibited to the witness, embracing the order of General Winder constituting the court for the trial of the raiders, the original testimony and all the proceedings of the trial, and also a copy of the order of General Winder approving the sentences of the court and ordering their execution. As to the printed slip, the original had been destroyed, or, at least, it was impossible to produce it. Counsel remarked that these papers embraced much that would tend to exonerate Captain Wirz from any blame in reference to the transaction in question. These papers would show many important facts, very important for the defence. He would not enumerate the principal points on which he proposed to rely, but he desired that the whole should be put in evidence, in order that any part of it material to the defence might be used.

The JUDGE ADVOCATE objected to the admission of the evidence proposed. The trial in question was admittedly of the most irregular character, having been conducted in the midst of a mob. The surroundings were such that justice could not possibly be administered. The witnesses examined there could not be cross-examined here. Counsel for the defence could hardly argue gravely that the proceedings of such a court could be admitted as proof of the facts that came before it. Neither Captain Wirz nor anybody implicated in this case was on trial before that court, and no part of the proceedings could be taken as an acquittal in regard to those parties.

Mr. BAKER replied that wherever there had been a court of any kind convened, it was proper to offer in evidence the whole record of its proceedings. The record now offered embraced the testimony of witnesses under oath, with their cross-examination.

The PRESIDENT inquired whether the counsel considered that the paper offered in this case was entitled to as much regard as the record of a regularly and legally authorized court.

Mr. BAKER. Certainly; because it was authorized with the approval of the government at Richmond.

The JUDGE ADVOCATE. That is not in proof.

Mr. BAKER. I will prove all the facts if I am allowed an opportunity. In reply to the inquiry of the president I will qualify my remark by saying that that court was a legitimate and regularly organized tribunal so far as the southern confederacy was legal. General Winder sent to Richmond for the approval of his orders, and when they had been approved the court was organized. As I understand, the sentences of the court were subsequently sent to Richmond for approval. So far as the southern confederacy was legal the proceedings of that court were legal.

The court, after deliberation, sustained this objection.

SHOOTING OF PRISONERS BY THE GUARDS.

While at Andersonville, I never knew any man to get a furlough for shooting Union prisoners.

THE SUPPLIES FROM THE NORTH.

I saw some boxes sent into the stockade. They were for our prisoners. I do not know where they came from, but I presume they came from their homes. At one period I saw several that came at one time.

Cross-examined by the JUDGE ADVOCATE:

I live in New York. I have lived there nearly seven years. My business is short-hand writer and reporter. I have been employed in that profession since I was 18 years of age. I am a married man. I never deserted the United States service. I never belonged to any other regiment than the 42d New York volunteers. I was discharged from that regiment, and I received my compensation on the recommendation of my captain for the time I was absent at Andersonville and Belle island.

THE RATIONS.

The provisions at Andersonville were about three times the quantity that we got at Belle island for some time after we arrived there, probably a month. They diminished, getting smaller every day. At least there was an appreciable diminution every day. That continued until I left the stockade. I arrived there on the 24th of February, and was in the stockade till the 24th of May, when I was detailed.

Q. How much had the ration been diminished at the time you left the stockade?

A. The ration in the first instance was beef; then it became sides and ham. After the cooked rations were sent to the stockade, the ration became smaller. We got baked bread, and boiled sides or hams. It was then much smaller than it was originally. I cannot tell whether it continued to diminish after I left the stockade.

CONDITION OF THE PRISONERS IN THE STOCKADE.

Two months after I arrived there the swamp was diked. I mean there were trenches made along the place for the reception of the fecal matter all around the swamp. I suppose there were half a dozen dikes on each side. It ran along in broken portions, not continuously, at either side. It was a trench, if you call it so, about three feet deep. It became a receptacle for the rear. I cannot say that it was detrimental rather than beneficial. I would not offer an opinion on the subject. I think it served. I think it was of service to the camp. I know that there was a very bad smell through the camp. I would not offer an opinion advisedly upon it. I have expressed an opinion in reference to that swamp that it was unhealthy. I said it was "filled with untold impurities." That was true.

I said that the food there was "unfit for human beings." That was true at the time I was referring to. At the time I understood so from my companions who came out of the stockade and who joined me in the commission referred to here. They told me that the food was bad, not fit for human beings. I know myself that the bread baked there was unfit for human beings. That is so. That was my opinion and I repeat it.

I have said that that stockade was "without shelter of any kind." Using the phrase "from the fierce tropical sun and the heavy rains." That is partially true. There were several hundreds in that stockade without shelter. I used the expression that their clothes were "miserable" and "insufficient even for the purposes of common decency." That was true.

Q. Did you ever make use of the expression "the confinement of 35,000 human beings within an area of some 17 acres, with a pestilential swamp running through the camp?"

A. That should be 27 acres. I wrote it so in figures, and the printer made the mistake. With that change it is true. I wrote this expression: "Our sick when removed to hospital being utterly devoid of any sort of accommodation, and often three weeks at a time without a particle of medicine." That is not fully true. There is a slight exaggeration in it. They were not three weeks altogether at a time without medicine; but they might be a week. With that change it is true. I used this expression, "the despair, the mental imbecility, the madness which have been the result to so many of those unhappy prisoners." It is literally true. I lost my health at Andersonville. My eyesight was impaired. I did not lose it at Andersonville; I lost it at Belle island, from the suffering endured there lying out without shelter.

Q. Was it contributed to at Andersonville?

A. Yes, it was not benefited.

Question repeated.

A. Yes. When I arrived at New York I had an attack of my lungs, I presume arising from my confinement in the south. I made that statement believing it to be true. In speaking of my sight being impaired, I made use of the expression "only one degree removed from total blindness;" at a certain time my sight was so bad that that was true.

Q. Did you use this expression in regard to it: "all the result of 11 long weary months spent in the Bull Pens of the southern confederacy?"

A. I referred to that.

Mr. BAKER claimed that the whole sentence on which the witness was being questioned should be read to him.

WITNESS. I admit the whole document. I admit that I wrote that letter. Every line of it is true with the exceptions I have named.

THE DISPOSITION AND CONDUCT OF CAPTAIN WIRZ TOWARDS THE PRISONERS.

I left Andersonville on the 7th of August. I was sent forward as one of the six men who come to endeavor to obtain exchanges for our prisoners.

Q. Were you not sent forward to obtain an exchange for yourself?

A. We were exchanged at the time; at least we were told that we need not come back.

Q. Then you left Andersonville as thousands of others did, to go to other points and be exchanged?

Question objected to and withdrawn.

A. Nine of our party were exchanged out of 21.

(By the COURT.) I was born in Ireland, as far as I understand. I was in the 42d New York volunteers; it was called the Tammany Hall regiment. Colonel Mallon was killed at the battle at which I was captured. I did not join the regiment originally. I was taken prisoner at the battle of Bristow Station, on the skirmish line.

Mr. BAKER asked leave to put in evidence a letter from Hon. Alfred Ely to the keeper of the Old Capitol prison, asking if he could be permitted to do anything for Captain Wirz, as Captain Wirz was very kind to the prisoners when he was in Richmond.

The JUDGE ADVOCATE. I think that in justice to Mr. Ely I should make this statement. He requested that he should be permitted to state publicly that he did not come here as a witness for Captain Wirz, and that if he was compelled to testify with reference to Wirz's conduct at Richmond, while he would say that in some instances he treated him kindly, his reputation there was that of a very brutal man.

Mr. BAKER. He told me right the contrary.

The JUDGE ADVOCATE. The introduction of the letter would make him responsible for it.

Mr. BAKER. He told me that he knew nothing about Andersonville and could say nothing about it; and so I thought I would not bring him here on that point merely.

The JUDGE ADVOCATE. I do not object to it all; but if you put Captain Wirz's reputation in issue, I will rebut it; that is all.

Mr. BAKER. I do not propose to do that.

CLOSE OF DEFENCE, AND REMARKS UPON ADJOURNMENT TO GIVE TIME FOR PROPOSITION OF THE ARGUMENTS.

The case for the defence here closed.

The JUDGE ADOCATE. The government rests its case here in its prosecution of this prisoner; but I want to make a statement which I think I owe to myself if no one else. I talked yesterday with the counsel for the accused in regard to the propriety of his making a statement of what he proposed to prove by those witnesses whose subpœnas I took the responsibility of revoking. He has not done so. He said he did not care——

The PRESIDENT. I thought that matter was settled.

The JUDGE ADVOCATE. Yes; but as the whole matter has rested on the discretion I exercised I want to make this statement. As the organ of the court, speaking for myself and associate, we will admit that those witnesses would testify to what the gentleman will state in affidavit they would testify to if brought upon the stand.

The PRESIDENT. I do not think it is necessary to open that question at all. It was definitely settled; and it seems to me that if any person were to open it, it should be Mr. Baker, and I see no disposition on his part to do so.

The JUDGE ADVOCATE. If I should feel assured that no reference would be made to that point hereafter——

Mr. BAKER. I will give you no assurance upon that point.

The JUDGE ADVOCATE. We propose to allow counsel to make his affidavit as the regulations require, that if he were allowed to bring certain witnesses here—meaning those whose subpœnas have been revoked—they would testify to certain facts; and we propose to admit that they would do so, submitting the question to the court whether the facts would be proper and relevant. I offer this for the reason that I do not wish it to be charged against me that any proper defence was kept out of the court. The record of the court is very clear that after this question was brought up several days ago the counsel said that on the whole he believed he would not ask those parties to be subpœnaed; but I desire to make this statement here at this time so that counsel might avail himself if he thought proper of the offer.

The PRESIDENT. This matter has passed away, and there is no responsibility attaching to anybody for it, because the court has never decided at any time or in any manner that these witnesses should not be brought. The court never refused to allow them to be brought. At the same time we cannot say to Mr. Baker that he shall not say so and so in his defence, nor exact a promise from him to that effect. He is responsible for his defence, and he must take such course as he deems right.

Mr. BAKER. I will say this to the judge advocate, that so far as anything personal in his conduct towards myself is concerned, I shall not, either here or outside, refer to it, because he has treated me kindly, although I think he has treated my case very roughly. What I have to say in my argument I shall say in the clearest and strongest manner. If he has made a mistake in conducting his case, I shall not make a mistake by not saying anything about it. I shall take advantage of his mistake in any way I can.

The PRESIDENT. Both sides, the prosecution and the defence, have now rested, and the rule of the court permits the counsel for the defence to make his summing up in behalf of the prisoner, to be replied to on the part of the government

by the judge advocate. I would like to have attention directed to the time that may be deemed necessary by counsel on both sides to read the record, collate the facts, and prepare addresses, which must be read, of course.

Mr. BAKER suggested that as the record was very voluminous, and as it must be all gone over before an argument could be written, he would require at least two weeks for that purpose.

The PRESIDENT, (to the judge advocate.) What time do you require on the part of the government?

The JUDGE ADVOCATE. Not 24 hours after counsel shall have placed his statement in my hands.

The court was cleared for deliberation, and on the doors being reopened the president, addressing Mr. Baker, said: For the purpose of allowing you time to prepare your summing-up, the court has concluded to adjourn till next Tuesday week, at 10 o'clock. The court understands that there is an agreement between yourself and the judge advocate with reference to the admission of some further testimony.

The JUDGE ADVOCATE. Counsel wants to introduce Dr. Ford to testify, in reference to the condition of the prisoner's arm.

Mr. BAKER. What I suggested was to let Dr. Ford make his statement before the court, not to swear him as a witness.

The PRESIDENT. Of course he must be sworn. The court will also, for the purpose of hearing further testimony, meet next Monday week; but the arguments are not to be read until Tuesday.

Mr. BAKER. I would rather not have a break in the adjournment; but I will say to the court, at the same time, that it is impossible for me to be ready to make my argument next Tuesday week.

The PRESIDENT. The court does not feel justified in allowing further time.

Mr. BAKER. It is simply impossible for me to be ready. I have an additional clerk employed for the last week to assist me in this case. The testimony covers 75 parts, and I have only been able to examine 17 of them.

The PRESIDENT. That is the decision of the court—to allow you till next Tuesday week.

Mr. BAKER. I have calculated the time, and I know that it is impossible for me to be ready on that day. If the court persists in its decision, I must submit the case without argument.

Lieutenant Colonel STIBBS. I move that the court be cleared for deliberation.

The PRESIDENT. Let the court be cleared.

The court was cleared, and on the doors being reopened, the president, addressing Mr. Baker, said: The court has reconsidered its former vote, and has agreed to give you until next Thursday week, the 26th instant—twelve days from now.

Mr. BAKER. I cannot accept it, and I must submit my case.

The PRESIDENT. How much time does the judge advocate require?

The JUDGE ADVOCATE. If the counsel for the prisoner does not present an argument at all, I will try to argue the points in this case next Wednesday.

Mr. BAKER. I cannot do it.

The JUDGE ADVOCATE. I think I can give both sides of the case next Wednesday; at least I will try to do so.

The PRESIDENT. Then the court will stand adjourned until next Wednesday.

OCTOBER 18, 1865.

The commission met pursuant to adjournment.

LETTER OF ROBERT OULD RELATIVE TO THE EXCHANGE OF PRISONERS.

C. M. SELP, recalled for the prosecution:

Question. (A document being exhibited to witness.) Examine that document, and state in whose handwriting it is.

Answer. The handwriting of Robert Ould, late commissioner of exchange.

Q. Is that his signature attached to it?

A. Yes, sir.

Q. By whom is it indorsed?

A. By General Winder and Captain Turner, afterwards major.

The paper just exhibited to witness was offered in evidence, and is attached to this record. The following is a copy:

CITY POINT, *March* 17, 1863.

SIR: A flag-of-truce boat has arrived with 350 political prisoners, General Barrow and several other prominent men among them.

I wish you to send me, at 4 o'clock Wednesday morning, all the military prisoners (*except officers*) and all the political prisoners you have. If any of the political prisoners have *on hand proof enough to convict them* of being spies, or of having committed other offences which should subject them to punishment, so state opposite their names. Also state whether you think, under all the circumstances, they should be released. The arrangement I have made works largely in our favor. We get rid of a set of miserable wretches, and receive some of the best material I ever saw.

Tell Captain Turner to put down on the list of political prisoners the names of Edward P. Eggling and Eugenia Hammermister. The president is anxious they should get off. They are here now. This, of course, is between ourselves. If you have any female political prisoner whom you can send off safely, to keep her company, I would like you to send her.

Two hundred and odd more political prisoners are on their way.

I would be more full in my communication if I had time.

Yours, truly,

ROBERT OULD, *Agent of Exchange.*

Brigadier General WINDER.

Counsel for the prisoner declined to cross-examine the witness.

OCTOBER 18, 1865.

SAMUEL F. HUNT, for the prosecution:

Question. (The letter relative to the exchange of prisoners being shown the witness.) Examine that document, and state whether you have ever seen it before.

Answer. I have.

Q. Where?

A. In Richmond.

Q. Did you first take possession of it after the fall of Richmond?

A. Yes, sir; after the evacuation of that city.

Q. Where did you find it?

A. Among some private papers in what I presume to be General Winder's private desk at his headquarters in Richmond.

Q. When was that?

A. About the 3d or 4th of April, I think; immediately after the fall of the city.

Counsel for the accused declined to cross-examine the witness.

The JUDGE ADVOCATE. According to a promise made at the last meeting of the court, I have endeavored to go over this case as thoroughly as time and my opportunities would permit; but to enable the prisoner to have the benefit, as far as possible, of a mind in no way colored against him, I selected Mr. Hays, one of the official reporters, to present the argument for the defence—a gentleman whose ability the members of the court perfectly understand, and who is very familiar with the evidence.

He will now read to the court the statement of the prisoner, which, I understand from Mr. Hays, who has visited him, has been prepared with the aid of suggestions made by the prisoner, has been revised by him, and is now submitted with his approval.

The statement of the prisoner was then read as follows:

STATEMENT OF THE PRISONER IN ANSWER TO THE CHARGES.

In this closing scene of a trial which must have wearied the patience of this honorable commission, and which has all but exhausted the little vitality left me, I appear to put on record my answer to the charges on which I am arraigned, and to protest and vindicate my innocence. I know how hard it is for one, helpless and unfriended as I am, to contend against the prejudices produced by popular clamor and long-continued misrepresentation, but I have great faith in the power of truth, and I have much confidence in the intelligence and impartiality of the officers who are my judges. I am here to answer for all my official and personal acts at Andersonville, and if I can convince this court that they have been void of offence before God and man, I trust that I shall not be held responsible for the official or personal misdeeds of others. That is all I ask. By my own acts let me be judged, and if they have been such as to warrant my conviction on any one of the charges or specifications preferred against me, let me be visited with punishment commensurate with the offence. I do not ask mercy, but I demand justice; and I humbly pray that the God of justice will enlighten the minds and quicken the perceptions of those whose solemn duty it is to discriminate between the truth and falsehood of all that has been testified to in the case. I will leave to my counsel the presentation and argument of such points of law as they may deem of importance, and will myself endeavor to analyze the evidence, group together the main facts, and explain away all that may seem to weigh so heavily against me. In doing so I will strive to be simple and concise, and let me beg the court to believe that I will be, above all things, frank and truthful.

There are three distinct and clearly defined parts into which the prosecution and the defence are necessarily compressed; and it appears to me that a close observance of those natural divisions will do much to simplify the question and to enable the court to arrive at a fair and just conclusion. These are:

1st. Have I, as is charged, maliciously, wilfully, and traitorously combined, confederated and conspired with John H. Winder and others, to injure the health and destroy the lives of soldiers in the military service of the United States.

2d. Am I the person who was officially responsible for the privations and sufferings of the federal prisoners at Andersonville? and—

3d. Have I committed the crime of murder or perpetrated all or any of the atrocities laid to my charge?

In regard to the first division—that of conspiracy—I am not conscious of there being one particle of testimony in the entire record going to establish the charge or giving even faint color of probability to its existence. Out of the 160 witnesses that have testified before this court, has any one said that I was ever heard or known to have uttered a syllable or done an act tending to show my knowledge of the existence of such a hellish plot?

Has any one shown or even hinted in the remotest manner that such a conspiracy existed? And if no living witness could be found to lend even the weakest support to the monstrous supposition, surely if it was not all a myth, a dream of the imagination, a fantasy of the brain, there could be found among the papers of my office, or in the archives of the confederate government, some scrap of documentary evidence, to give it at least the semblance of probability. I think the court may fairly assume, that if this wild chimera was not as unsubstantial as "the baseless fabric of a vision" there would have been some effort made by the learned and diligent judge advocate to give it form and substance. No such attempt has been made. No such attempt could be successfully made. The idea is altogether too horrible for human credence, and I can hardly think the learned judge advocate is serious in asking this honorable court to pass upon that charge. Even if all the specifications which are grouped under it were literally true, if hundreds and thousands of brave men were subjected to all the

horrible sufferings depicted therein, there is not a shadow of testimony by which it can be proven that it was the fruit of a conspiracy. It is incredible to believe that any number of created beings, wearing the imprint of their maker, could be found in any one age and clime to band together for such a purpose. The land that could produce one such fiend should stand accursed. No country could possibly be expected to contain two such monsters.

Is it necessary for me to address another word to this honorable court defending myself from the charge of conspiracy?

If it be, let me say this: The government has shown in this very prosecution that its high officers do not believe that there is any foundation for the charge. The court has official cognizance of the fact that on my first arraignment some of the highest functionaries of the confederate government, General Robert E. Lee, James A. Seddon, secretary of war, Lucius D. Northrop, commissary general, and Doctor Moore, surgeon general, were described as my co-conspirators. The facts on which the charge rested were as fully known to the government then as they are now. If the charge be true now, it was true then; and if there was guilt anywhere in connection with it, that guilt lay more deep and damning on their souls than it did on mine, just in proportion as their positions were high and mine was humble. Those co-conspiritors were all in the custody, direct or implied, of the government; yet not one of them was called upon to take his place beside me and answer to this court for his crime; on the contrary, they have all been favored with executive clemency, and their names have been expunged from the charge. I appeal to the intelligence of this court whether there could be a plainer or ampler disavowal by the government of its belief in the existence of this monstrous thing styled conspiracy; and then I appeal to its sense of justice and fair play, whether a different rule shall be applied to me from that which was applied to my superiors.

I am no lawyer, gentlemen, and this statement is prepared without the aid of my counsel; but unversed as I am, and as perhaps some of you may be in legal lore, my reason tells me that before a man can be convicted of a crime there must be either a confession on his part or some proof of his guilt. Here there is no confession of guilt, but a solemn affirmation of innocence. Here there is no attempt at proof, but a virtual abandonment of the charge as against the real culprits, if there were any such. Is not conspiracy a positive crime, just as murder is, or as robbery is; and is it not, like those crimes, to be proved by direct testimony? My reason answered, yes. Can a charge of conspiracy, bringing with it such consequences as are involved here, be supported on far-fetched inferences? Surely not. Common sense revolts at such an idea, and I am confident that law which is said to be the perfection of common sense utterly repudiates it.

I believe that that which the judge advocate principally relies upon as proof of the existence of a conspiracy is the expression attributed to me by some of the witnesses, that I was of more service to the confederate government than any regiment at the front, connected with equally wicked and significant expressions attributed to General Winder, General Howell Cobb, and Captain W. S. Winder. So far as concerns the remark imputed to myself, I will speak of it in another part of my defence. General Winder has gone to the great judgment seat to answer for all his thoughts, words, and deeds; and I surely am not to be held culpable for them. General Howell Cobb has received the pardon of the President of the United States, showing that he could not have been regarded as a conspirator, and when I asked that he should be brought here as a witness and given an opportunity of contradicting the testimony referring to him, the judge advocate in the exercise of his large discretion declined to summon him, thus virtually admitting that which I desired to prove. As to Captain W. S. Winder, he is, I believe, within the jurisdiction of the United States government, and can be made amenable for any crime committed by him. Surely, under

such circumstances, I am not to be held to answer for the rash, wicked, or imprudent expressions of General Winder, Captain Winder, or General Howell Cobb.

I think I may also claim as a self-evident proposition, that if I, a subaltern officer, merely obeyed the legal orders of my superiors in the discharge of my official duties, I cannot be held responsible for the motives which dictated such orders, and if I overstepped them, violating the laws of war and outraging humanity, I am to be tried and punished according to the measure of my offence. As well might every general, colonel, and captain in the rebel service be held criminally responsible as a co-conspirator with the chiefs of the rebellion as I, who simply held a subordinate position at Andersonville, be held to answer with my life for the motives which may or may not have inspired my superior officers.

For all these causes I humbly, but confidently submit to this honorable commission that on charge I a verdict of "not guilty" must be rendered.

I also submit it to the consideration of the court whether, if the charge fall, the specifications under it must not, as a legal and logical consequence, fall with it? The charge is, as it were, the foundation of the edifice, and when it gives way the whole superstructure topples with it. This, however, is a legal question which I am incompetent to argue, and which I willingly leave to the court to decide for itself under the rules governing military courts.

I now come to the second division of the question, viz: Am I the person who, from my position at Andersonville, should properly be held accountable for the crowded condition of the stockade, the want of shelter, the unwholesomeness of food, the impurity of the water, the inadequacy of hospital accommodation, and the lack of medicine and medical supplies, all which causes combined led to the dreadful mortality which prevailed at that place? This division covers a large proportion of the testimony, and will render it necessary for me to go a little into detail. I will endeavor to avoid prolixity and to present the points as briefly as possible.

It is in evidence before the court that the stockade was laid out in the winter of 1863, by Captain W. S. Winder, and that I was assigned to duty there on the 27th of March, 1864. Whatever, therefore, may be thought of the good or bad selection of the locality, no imputation in that respect can rest on me. I was actually in Europe at the time of its formation. It is no part of my purpose in this defence to accuse or to defend others, and therefore I pass by the testimony of Lieutenant Colonel Persons, one of the principal witnesses for the prosecution, tending to show that, for the accommodation of ten thousand prisoners, the stockade was sufficiently large and properly located. But Lieutenant Colonel Persons does give some evidence which has a direct bearing upon my own guilt or innocence, and to which I ask the attention of the court.

He testifies that in February, 1864, he was assigned to duty as commander of the troops at Andersonville, and was subsequently advanced to the command of the post, from which duty he was relieved in May or June; that Captain W. Sidney Winder had laid out the prison; that at that time he (Persons) was relieved, he was in the act of procuring lumber for the purpose of erecting shelter for the prisoners, who then numbered between fifteen and twenty thousand; that there was great difficulty in procuring transportation; that there were a great many trees inside the stockade when the prisoners first went in, and which were used by them in erecting buildings; that the confederate authorities never removed those trees, and that W. S. Winder had told him he had had absolute discretion in the location of the prison. As to the question of responsibility, the following testimony drawn out by the judge advocate is of great importance, (Part X, page 607:)

Q. What control had he (General Winder) of the prison?
A. He was, as I understand, in command of all the prisoners.
Q. He had control over everything?
A. That was my understanding.

On cross-examination, Lieutenant Colonel Persons gives the following testimony, (page 621:)

Q. By whose orders was that prison enlarged?
A. I think I did it without any orders.
Q. Would Captain Wirz have had any authority to enlarge that prison?
A. No, sir.
Q. Would he have dared to do it?
A. No, sir.
Q. Was he to be blamed at all for the size of it?
A. No, sir.

Again, on page 623, the witness says:

I rememember that Captain Wirz time and again wanted to have lumber brought there.
Q. Did he ever show any inclination to prevent its being used?
A. Never.

On page 627 he testifies:

Q. Was there anything about the location of that prison that you discovered which led you to suppose that it was located for any bad purpose?
A. Nothing, sir.
Q. Did that idea ever enter your mind?
A. No, sir.

Again, on page 629 Lieutenant Colonel Persons says:

When that prison was in its infancy, in its very inception, and when the officers there were instructed not to build accommodations for more than ten thousand, there were forty thousand prisoners sent there.
Q. Was Captain Wirz to be blamed for that?
A. No, sir; Captain Wirz was not to be blamed for that.

By the COURT:

Q. Who, in your opinion, was responsible for that?
A. Well, sir, the authorities were responsible for that. I cannot say who. The great blunder on the part of the government was the concentration oi so many men at one place without preparation being made to receive them. The authorities were notified of the act, but to no advantage. * * * I think that some of the higher officials were responsible, but who they were I cannot say. * * * No man on earth could have abated the rigors of that prison, except the man who wielded the power over them.
Q. Who was that man?
A. I do not know. General Winder was in advance of me, and several others were in advance of him. Who was responsible I cannot say.

I think the court will agree with me that so far as the testimony of Lieutenant Colonel Persons can do so it completely exonerates me from all complicity in the selection of the locality, the overcrowding of the stockade, and the failure to provide proper shelter for the prisoners. And the court will not fail to take notice of the fact that this gentleman was an important witness for the prosecution; that he had evinced no leaning or sympathy towards me, and that his testimony stands above all suspicion.

Another important witness for the government was Dr. John C. Bates. He has given to this court a terrible but truthful picture of the stockade and of the hospital. I do not wish to have a single line erased from that description. It is all but too true. The only question with me here, as it is all through the case, is, was I to be blamed for the existence of those things? I will let Dr. Bates, that humane physician and honorable man, speak for me. On page 205 and following pages, part 4, he testifies as follows:

Q. Was he (Captain Wirz) responsible for anything the prisoners lacked, or for anything good that they had?
A. It was not considered so by the medical officers there. They never blamed Captain Wirz that I heard of. I never heard Captain Wirz's name mentioned in reference to the ration, so far as the sick were concerned.
Q. As to the medical department, did he have anything to do with it?
A. Not that I knew.
Q. Did you not recognize him as having any right to do so?
A. I did not.
Q. You have no hard feelings towards him?

A. None at all; he always treated me very respectfully and kindly.
Q. Do you know of his treating any one else otherwise?
A. I never saw him use any hard means towards anybody.

On page 224 Dr. Bates testifies as follows:

Q. Did it ever strike you that any one about those premises was conspiring for the death of Union prisoners there?
A. It never so impressed me. I always objected to the shortness of the allowance, but I never attributed it to a conspiracy.

I claim, therefore, and ask the court so to hold, that so far as any responsibility for the condition of things in the hospital is concerned, the testimony of Dr. Bates entirely relieves me. That testimony is also corroborated by that of Dr. G. G. Roy, who says, on page 513, part 8:

Q. Then Captain Wirz exercised no control in that respect over the good effects of Dr. Clayton's administration any more than over the bad effects of the other surgeon's administration?
A. No, sir; the fault was with the surgeon.

The same witness, on the preceding page, having spoken of seeing one case of a man being bucked as a punishment, says:

He (meaning me) would have been more severe and his orders would have protected him.
Q. You never saw Captain Wirz exercise severity except in the one instance you speak of?
A. Only in the one instance that came under my special observation.

So far, the court will observe, I have been relying on the statements of the most intelligent witnesses on behalf of the government. I propose to continue to quote from that clas of witnesses and to extract from the evidence for the prosecution the elements for my own vindication.

Lieutenant Colonel D. T. Chandler, assistant adjutant and inspector general at Richmond, was sent, as the court will recollect, to inspect the condition of the prison at Andersonville. He was there at the end of July and beginning of August, and his report of 5th of August is one of the exhibits in this case. He found General Winder in command of the post and Captain R. B. Winder in the position of quartermaster. The suggestions which he had to make for the amelioration of affairs there were made, as the court will recollect, not to me, showing that I was not the responsible party. I quote from the report of his testimony, page 1618, part 24:

Q. With whom did you at first consult when you arrived at Andersonville?
A. General Winder, the commandant of the post and prison.
Q. How long had he been in command there?
A. I cannot say; several months, I know.
Q. What was his whole duty as commandant of the post?
A. In regard to the prisoners, to keep them safe, to have them taken care of properly, protect them, defend them, prevent them being recaptured.
Q. (Page 1632.) Who had the ordering or directing of the surgeons, or who ought to have given orders for them to go inside—the surgeon-in-chief or General Winder?
A. The order would properly have come, I should think, from the senior surgeon.
Q. Then if they did not go in it was owing to his negligence in not giving the order?
A. Yes, sir; I suppose so.
* * * * * * * * *

Q. (Page 1644.) You looked upon Captain Wirz and his duty as nothing more than a part of General Winder?
A. I considered him merely the executive officer of General Winder in his particular branch of the business.
* * * * * * * * *

Q. (Page 1649.) You have no reason to believe that they (General Winder's staff officers) had any unusual latitude?
A. No, sir; I have not.
* * * * * * * * *

Q. (By the court, p. 1674, part 25.) How did you regard General Winder?
A. As commander of the post and prison.
Q. Under whose orders were those medical officers?
A. Under the orders of the chief surgeon and of General Winder. They were under the immediate orders of the chief surgeon.

Q. Was Captain Wirz responsible in any degree for the scarcity of rations in the commissary department?

A. I should think not; I can state positively he was not; he had nothing to do with it, and no control over it. General Winder was in command, with Captain Armstrong reporting directly to him.

Q. Who established the police regulations for the stockade—General Winder or Captain Wirz?

A. General Winder was responsible for them; I do not know who drew them up; I suppose that the dead-line was established, certainly with the knowledge and consent, if not by the direction of General Winder.

Q. The regulations touching that, from whom did they come?

A. Those instructions, I suppose, came from General Winder. I know that he was responsible for them.

* * * * * * *

By the JUDGE ADVOCATE: (Page 1686.)

Q. You have given it as your opinion that Captain Wirz was not responsible for the rations furnished to the prisoners?

A. Yes, sir.

Q. Are you positive of that?

A. Yes, sir.

By the COURT: (Page 1690.)

Q. Did the post commander always exercise command over the prison?

A. He did, through his executive officer.

With these extracts from the testimony of the most reliable witnesses for the prosecution, all of them officers of the late confederate government, all of them in positions favorable to a knowledge of the subject, none of them evincing any bias in my favor, and none open to a question as to their veracity, I submit that on the second division of this subject, that of responsibility for the general management of the prison at Andersonville, I am entitled to an acquittal. It seems to me, with great respect to this court, that there is no room for doubt or hesitancy on the subject. I have deemed it entirely unnecessary to put in any evidence on my own side bearing on that point, although the testimony of Captain Wright, quartermaster, Major Proctor, and Captain Armstrong, commissary of post, would have furnished additional proof and unqualified evidence that their respective departments were under the exclusive control of the commandant of post. The judge advocate has very kindly saved me that trouble, and indeed has not, so far as I recollect, made any serious effort to contest the point; and the court will recollect that it embraces stockade and hospital alike—that I have neither to answer for the location of the stockade, the establishment of the police regulations in it, the lack of supplies or of accommodation, the management of the hospital, nor any of those matters which have entered so largely into the evidence. It is not for me to suggest where the culpability or responsibility lay. Enough for me to defend myself. I try to do so without reflecting on any one else, and I trust that that will not be regarded as diminishing the strength of my case.

And now, may it please the court, I come to that division of the case where I could not if I would evade or shirk responsibility for my acts. I do not seek to evade it. If I have violated the laws of war, if I have outraged humanity, if I have perpetrated any of the murders or atrocities laid to my charge, let me suffer. But I hope to be able to convince the court that I am not guilty, and to that object I will now devote myself. It does seem to me, with great respect for the judge advocate, whose many acts of kindness I appreciate, that this should have been the starting point of the prosecution, and that to that class of allegations it should have been confined. A poor subaltern officer should not have had the ordinary performance of his routine duties treated and characterized as proof of his being a conspirator; nor should he have been called upon to bear upon his over-burdened shoulders the faults or misdeeds of others. Enough for him if, on being called to account, he can show that in fulfilling his own hard task, he acted honestly, faithfully, humanely. I do hope and trust that this enlightened court will bear with me in my humble effort to convince it that,

while commandant of the prison at Andersonville, I was not the monster that I have been depicted as being; that I did not cause or delight in the sad spectacle of the sufferings, woes, and death of Union prisoners; that I did not contribute to their sufferings, but that, on the contrary, I did what little lay in my power to diminish or alleviate them, and prove that although I have been represented as little less than a fiend in human form, "Heaven left some remnant of the angel still in that poor jailer's nature."

But how can I approach the task before me? How can I collect and bring together the varied statements made by the witnesses before this court in a trial of nearly two months' duration? And particularly is it impossible to do so with any approach to completeness, from the fact that there was no regular order observed in the proofs, and that there was no connection established between the circumstances testified to by one witness and the same circumstances detailed by another in a different version, and perhaps with an interval of weeks between them. I must therefore appeal to the court to believe, that if I do not allude to and try to disprove or explain every piece of testimony against me, it is owing to these facts, and not to my inability to do so. Let the court be tolerant and charitable, and I will do my best.

And first, as to the charge of murder: the specifications accuse me of no less than thirteen distinct crimes of this grade; three by shooting with my own hand, one by jumping and stamping upon a prisoner, three by torturing prisoners in stocks and chain-gang, four by ordering sentries to fire upon prisoners, one by having a soldier torn in pieces, and one by beating a soldier with a revolver. The name, regiment, date, or circumstances are not, in a single instance, stated in the specifications, and in the whole mass of testimony there are but two cases of this character that there is any possiblity of fixing with any definiteness. In these two cases I am prepared to make my defence, and I hope to do so satisfactorily and completely.

It cannot be expected, neither law nor justice requires, that I should be able to defend myself against the vague allegations, the murky, foggy, indefinite, and contradictory testimony, in which the other so-called murders are enwrapped. I do not know that even these two were in the judge advocate's mind when he prepared the charges and specifications. I should suppose that they were not; otherwise it would have been his duty—and I am sure he would have performed it—to have described them with some particularity. The two cases that can be reached with any definiteness are, first, the real actual case of a federal prisoner well known by the nickname of "Chickamauga;" and the second, the unreal, imaginary case of a myth described by the name of William Stewart, and represented as having belonged to the 9th Minnesota infantry.

As to the real case of "Chickamauga," it has been described by at least twenty witnesses, and in as many different versions. These versions range all the way from one or two highly colored descriptions, in which I am made to shoot him with my own hand, down to one in which I am shown not to have been present at all. The truth in this matter is to be found, as usual, midway between the two points. One witness, whom, for his own sake, I will not name, inasmuch as his statements must have been, and were, I believe, recognized by every one who heard them, as undeserving of the slightest belief, describes him (part 6, page 399) as "a kind of weakly man," who, when I entered the stockade one day, wormed around me, saying that he wanted to go out to get air; whereupon "Captain Wirz wheeled again, pulled out a revolver, and shot him down." Another witness, who, I believe, meant to tell the truth, testifies (part 7, page 457:)

> He ("Chickamauga") was asking the sentinel to take him outside of the prison, as he had enemies in the camp. * * He said his leg was not healed, and that he had enemies in camp who clubbed him. Captain Wirz never answered him, but said to the sentinel, "Shoot the one-legged Yankee devil." The sentinel shot, and the ball struck him in the head and passed out the lower jaw.

This witness, the court may recollect, was one of those who, from a circumstance that occurred about that time, was not cross-examined. That may account for his statement not being corrected by himself. Another witness gives this version of it, (part 14, page 882:)

Captain Wirz was in the stockade, and this man went up to him and wanted him to take him outside. Captain Wirz would not do it, and finally this cripple went over the dead-line and said that he would rather be shot than to stay there, and begged the guard to shoot him. The guard would not shoot him, and Captain Wirz went outside the stockade. There was a large crowd inside the stockade. Pretty soon I heard Captain Wirz halloo to the sentry on the post. * * I heard him tell him if the man did not go back over the dead-line the guard was to shoot him. The guard told the man to go back; he did not, and was shot."

This witness testified on his cross-examination that "Chiakamauga" had been inside the dead-line fifteen or twenty minutes; that the sentry wanted him to go back over the dead-line, saying that he did not want to shoot him; that there were from 150 to 200 federal prisoners near the dead-line; that they did not try to persuade him to return from inside the dead-line; that (page 892) "they stood there and looked at the man; no one said anything."

A still different version of this transaction is given in a more laconic and reckless style by another witness, (page 936.) I will quote it:

Q. Did you ever see Captain Wirz shoot any man?
A. Yes.
Q. When?
A. About the first of April, I think, shortly after he took command there.
Q. State the circumstances of the shooting.
A. Captain Wirz was coming in the south gate one day. A sick man, as I took him to be—a lame man—asked Captain Wirz something, and Captain Wirz turnd round and shot him.

There is but one of all the witnesses who testifies on this point, whose testimony was absolutely correct. He stated that, being out on parole, he noticed one evening an excitement down at the gate; that he started to see what was the matter; that down near the gate he met Captain Wirz riding back from the stockade to his quarters; that he asked the captain what the fuss was about; that the captain told him it was that "Chickamauga" fellow who was jawing with the sentry and insisting on going into the line; that after Captain Wirz had parted from him he heard the report of a musket, and on arriving at the gate he found that "Chickamauga" had been shot.

Will the court permit me to make a statement which may serve to explain all these conflicting accounts of the death of poor "Chickamauga?"

On the evening in question, the sergeant or the officer of the guard came to my quarters and stated that there was a man within the dead-line, jawing with the sentry, and refusing to go outside, and that there was a crowd of prisoners around him, and a good deal of disturbance. I rode my horse down to the stockade, dismounted outside, and went in. There I found things as they had been described to me. I went up to "Chickamauga" and asked him, in a rough tone of voice, what the hell he was doing there. He said he wanted to be killed. I took my revolver in my hand and said, in a menacing manner, that if that was all he wanted I would accommodate him. I scared him somewhat, and he was taken outside by some of the prisoners. I then, in his presence, and solely as a menace, told the sentry to shoot him if he came in again. I little thought that he would come back, or that his comrades would permit him, after their hearing the order, to go once more across the forbidden line. I left the stockade, remounted my horse, and was on my way back to my quarters when I heard the report of a musket. I hastened back and ran up to the sentry-box from which the shot had been fired.

There is the simple history of the case, without any reserve or misrepresentation. The court, I am sure, will recognize all the marks and evidences of truth in it. It is consistent with itself, and consistent with the average line of the testi-

mony. It also explains many statements of witnesses that have probably been made by them under the impression of their truth, but which were absolutely untrue. For instance, the two men who swore they saw me shoot the prisoner with my own hand, were probably led to make that statement from having seen me draw my revolver in the manner I have described; the witness who swore that I was within the stockade and gave the order to fire when the man was shot, had seen me there and may have witnessed what passed, their mistake being in making me present when the shot was fired; and other witnesses who swore that I gave the order from outside the stockade had supposed that that was so. But this instance will suffice to show how very carefully the court should deal with all the evidence produced against me. I might take the ground that the witnesses for the prosecution so contradicted each other and gave such totally opposite versions of the same transactions that I could not properly be called upon to refute them. They refute each other. I am sure the judge advocate would have been inexplicably puzzled to select which version he would adopt. But I have thought it better, in this and in every other matter charged against me, to give a truthful, honest account of it. I pray the court to believe me, and to give me whatever consideration that truthfulness should entitle me to.

There can be no doubt that the unfortunate man, whose name appears to be unknown, and whose only appellation in this court is derived from the name of the famous field of battle where he lost his leg, was shot in consequence of a violation of a rule of prison discipline; not an unnecessarily harsh rule, nor an unusual one; because at Andersonville it was absolutely indispensable to the security of the prison, and because the same rule was enforced at Macon, Florence, Salisbury, Belle island, and the other principal prisons of the southern confederacy, and I presume, though I do not assert, in the military prisons of the United States. This court will know better than I whether the presumption is a correct one. I have certainly heard of cases occurring in the very prison wherein I am now confined, of prisoners having been shot for similar violations of prison discipline. The court cannot but be aware of the fact that such rules are not unusual, even in other than military prisons; and it may remember the incident which occurred some years since in France, where an American citizen was shot at the debtors' prison of Vichy for standing at a window, against the rules, and that, too, even without warning from the sentry.

It is important to me, also, that the court will take cognizance of the fact that the rules of the prison at Andersonville were printed and posted on conspicuous places all through the stockade, that the internal police of the stockade was exclusively in the hands of federal prisoners, and that the squads of ninety men into which the occupants of the stockade were divided, were officered by federal soldiers. Is it therefore within the range of probability that there was a single prisoner within the stockade who did not know the penalty of encroaching on the dead-line? If there was not, and if the rule was violated, and the penalty inflicted, on whom does the responsibility rest? Certainly not on me. If there was, and if soldiers ignorant of the rule and violating it were shot, who was responsible? Again, I say, certainly not I.

While on this subject, although it diverts me a little from the direct line of argument which I had intended to pursue, I suppose I had better dispose of all these cases connected with a violation of this rule.

It is impossible for me to say what number of prisoners shot upon the dead-line might not be counted up from the evidence for the prosecution, if each case sworn to by each witness is regarded as a distinct and separate case. And the difficulty is that there is no key to the arithmetical problem furnished by the prosecution. The judge advocate did not, in the course of the trial or at its close, intimate how he proposed to solve it. Am I to be called upon to defend myself in regard to one, two, three, ten, twenty or a hundred such cases? Really, gentlemen, I do not know. Is the court any wiser? Is the judge advocate? I

can do nothing more than dismiss with these remarks the whole of this class of cases.

And now I return to the second and only other charge of murder that I can be expected to meet and refute. It differs from the case of the unfortunate Chickamauga in this, that the alleged victim had the good fortune never to have been within view of the Andersonville stockade. "Wm. Stewart of the 9th Minnesota infantry" is as much a creation of the fertile imagination of the witness who testified to his murder by me, as the conspiracy charged against me is a creation of the fancy of the judge advocate. He sprang from the prolific brain of that witness—a soldier of the republic, although unhappily situated—as Minerva is said to have sprung full-armed from the brain of Jove. The judge advocate will not, I venture to say, find on any of the books of the Andersonville prison the entry of that name and regiment. It will not be found in the hospital record on the death register. There has not been produced here a witness who knew either of his life or death, and who could tell us aught of either. But George W. Gray knew him and tells of him. And here is the story that he tells, (part 39, p. 2700 :)

Q. Do you know anything about the prisoner having shot a prisoner of war there at any time?

A. He shot a young fellow named William Stewart, a private belonging to the 9th Minnesota infantry. He and I went out of the stockade with a dead body, and after laying the dead body in the dead-house, Captain Wirz rode up to us and asked us by what authority we were out there or what we were doing there. Stewart said we were there by proper authority. Wirz said no more, but drew a revolver and shot the man. After he was killed, the guards took from his body about $20 or $30 dollars, and Wirz took the money from the guard and rode off, telling the guard to take me to prison.

* * * * * * * * *

Q. Were you at the time attempting to make your escape?

A. No, sir; but it was my intention, if I could, to do so. I was not attempting it at that time, nor was Stewart.

On cross-examination, (part 40, p. 2728,) he says:

I think Captain Wirz made some remark like this: "Damn you, you talk that way to me do you?" I think that was what he said, but I am not positive.

* * * * * * * * *

Q. And Captain Wirz shot Stewart simply because he said that you were out by proper authority?

A. Whether he shot him because he said that to him, or because he was a Yankee, I do not know. I leave that to himself; but that was all Stewart said to him. * * I was talking to the guard. I acknowledge that I was trying to bribe that fellow—trying to get away.

* * * * * * * * *

Q. How many persons were present at that time?

A. I did not count them; I know that there were two came up after the man was killed. I think that was all who came near.

* * * * * * * * *

Q. What day did that happen?

A. It was just as much as I could do to keep the month, let alone the day. I do not know the day.

* * * * * * * * *

It was in September; I would not be certain what part of the month.

By the COURT:

Q. What kind of a horse did the prisoner ride? (P. 2728.)

A. He was riding a sorrel horse, I think. I am sure it was a sorrel.

It is a somewhat singular circumstance that the only two witnesses who describe me as riding any other horse than the gray old mare, are precisely the two whose general testimony is entitled to the least possible degree of credit. They are, the witness who originated the murder of William Stewart, of the 9th Minnesota infantry, and the one who saw the assassination of Chickamauga by my own hand. Is this accident, or does it go to show that these two men had put their heads together and concocted their stories?

The spectator and narrator of my murderous attack on Chickamauga is the individual who told the very credible story of having had his arms and money taken from him on his arrival at Andersonville, he having been then in the hands of confederate soldiers for over a week—as if he could have retained his arms and $150 in coin, besides $130 in greenbacks, for an hour after his capture; who accounts for the gold by saying that he got it under the root of a tree, in the woods near Jackson, Mississippi, having been piloted to the spot by the most unselfish darkey that ever existed; and who makes that money be turned over by me to Colonel Gibbs, who did not take command of the post for months afterwards. Should the court desire to refer to this veracious history, it will be found in part 6, commencing at page 398. In it, the court will discover that I rode a kind of roan horse, with dark mane and tail, and that the author of that veracious history saw me ride him a hundred times, whereas, if there is any fact in the whole case as fully established as the existence of a prison at Andersonville, it is the fact, as the court will recognize, that I invariable rode an old gray mare.

If the man who originated the romance of "William Stewart," had not been too voluble, and too anxious to insure to me a felon's doom, if he had been satisfied with one dramatic production, he might have secured his object and saved his reputation. But, like "vaulting ambition," he overreached himself, and fell, with much injury to himself, on the other side.

He was as original as the author of the treasure-trove discovered in the woods near Jackson.

He first (p. 2696) makes me an inmate of the sutler's shanty, and makes me demand a dollar from his friend, Underwood, for a piece of an old shirt, which the extortionate Fechnor was giving him for charity's sake; and when Underwood handed over to me a $10 bill and requests his change, this imaginative genius makes me kick him out of the door. I will not insult the intelligence of the court by criticising that story.

Further on, at 2703, he gets off another piece of romance, which must have astonished even the witnesses from Andersonville, albeit accustomed to hear and believe wonderful things about me, and which I will give in his own words:

> There came an order to parole all the sick soldiers there. They were to be removed from that prison, and all the prisoners were to be brought to the gate. It being late in the afternoon, and the roads being very muddy, I requested Captain Wirz to permit us to aid these men in getting to the cars. His reply was that when we were needed he would call upon us. He said to Lieutenant Davis "If any of the men refuse to go, or if they lie down on the road on their way to the cars, bayonet them." I have seen many poor soldiers bayoneted there by the guards when they were crawling on their hands and knees to the cars.

Must it not have occurred to the court, either that all the hundred and more witnesses for the government were remarkably stupid not to have made some allusion, however slight, to the bayoneting business; or else that Sergeant George W. Gray, of the 7th Indiana cavalry, is gifted with miraculous powers of vision, on the principle that——

> "Optics good have they, I ween,
> Who see what is not to be seen."

But that is not all His powers of sight are only equalled by his powers of hearing, for he declares (page 2703) that he heard me say to one of the surgeons who asked me when I was going to remove these Yankees: "Damn those Yankees; they will all be dead in a few days anyhow."

I must not omit to mention as an additional proof of his invention or of his optical powers that he saw a man (p. 2704) who had his cheek torn off by bloodhounds, and his arms and hands and legs gnawed up so that the man only lived some twenty-four hours after he came into the stockade. As this dog story rests solely on the evidence of the author of the "Wm. Stewart" romance, and of the bayoneting incident, and of the anecdote in regard to my

prophecy that the Yankees would all be dead in a few days anyhow, and of the metamorphosis of the old gray mare into a sorrel horse, I presume the court will not expect me to criticise it when I come to that part of the case.

Before closing with this remarkable witness, let me remind the court of his farewell speech before leaving the witness stand, in which, not satisfied with all he had sworn, he summed up all in one burst of indignant eloquence, as follows :

I have seen men falling and dying in every direction. At the prison gate there is a graveyard close at hand, where I can safely say that 12,000 of our brave boys are buried in the Georgia sands, and from nothing else but sheer starvation. They died from starvation and vaccination.

How much longer the record of this case would have grown, if the President had not ruthlessly ordered the orator from the stand, it is impossible to say. If the judge advocate had never placed him there, (having had an opportunity to judge of him in his preliminary examination,) his exclusion would have been more creditable to the government, though, perhaps, of some injury to my interests. I thank the judge advocate for Gray, and for Alcoke, the treasure trove man; and for that other witness, whose name I will not here mention, because he holds the commission of an officer of the United States, and who knows so little of what he was swearing to that he located the stocks within the prison enclosure, and doggedly and immovably persisted in keeping them there after his attention being called to the fact that they never was so. Three instances of such witnesses on the side of the prosecution give a pretty fair indication of the difficulty of my defending myself against all those loose charges and specifications, and the impossibility of my doing so with success, unless I find in the members of the commission, as I hope and trust to find, fair and charitable judges, who will take all the circumstances into consideration, be guided more by the doctrine of probabilities than by positive statements, and not assume, as the judge advocate did on one occasion, that because the witnesses for the prosecution were mostly soldiers of the United States, a doubt of their veracity was a stigma on the service.

I think I can say no more on the subject of Chickamauga or William Stewart. They are the only two murder charges in the testimony that can possibly be reached, either by evidence or argument. Detached and utterly unconnected declarations of this or that witness, that some time in the spring, or in the summer, or in the fall of 1864, they saw me near a sentry who fired upon and killed some man whom they knew nothing about, and could not designate, make up all the medley of murder. The court cannot reduce that chaos to order. The judge advocate cannot. I will not attempt it.

I claim, therefore, that, so far as the charge of murder is concerned, the prosecution has failed so signally that the judge advocate cannot, with any show of reason or justice, ask the court for a conviction.

I am arraigned under the general charge of murder, (specification 11,) with having caused, incited, and urged "certain ferocious and blood-thirsty animals called bloodhounds to pursue, attack, wound, and tear in pieces a soldier belonging to the army of the United States, whose name is unknown"—thereby causing the death of such prisoner.

The only dog story that I have been at all identified with in the testimony is that in which the man nick-named "Frenchy" was the chief actor, and the whole of it amounts simply to this: I will give it in narrative form, but the court will find the elements of it scattered throughout the record. Frenchy was a little, wiry, active fellow, whom bolts, stocks, and guards were alike powerless to prevent escaping. He got away half a dozen times, and was brought back generally by planters living within a circuit of twenty miles and owning hounds, which they kept for the recapture of their slaves, and with which escaped prisoners were almost sure to be tracked out. At last I said to Frenchy, "It is only a waste of material to put shackles upon you; I will parole you."

I did so. Next day Frenchy was gone again. He returned voluntarily in the evening, saying that he had been blackberrying. I remarked that it was a nice way for a paroled man to work, when he declared that he would do no work. Still I did not put him back into the stockade. The next day he was gone again. This time he deliberately broke his parole. I was glad to get rid of him, and took no measure to have him recaptured. Three or four days afterwards, to my regret, he was brought back by some planters. At that time the chain-gang was being formed, by directions of the commandant of the post, for the punishment of men who had broken their parole, and I ordered Frenchy to be sent to the provost marshal so that he might have a place in the chain-gang. The lieutenant of the guard was afterwards taking him down to the smith, when Frenchy again effected his escape by jumping into a thicket near the creek. The matter was reported to me. I had the dogs sent for. They soon came on his track. He took to a tree. One of the pursuing party (not I) fired a pistol close to him to induce him to come down. He was not hit, but he dropped or fell from the tree into a mud hole, when the dogs rushed upon him. I jumped on the dogs and drove them off. The court will recollect the evidence as to both Frenchy and myself being covered with mud. That was the cause. Frenchy had his clothes barly torn, and had some scratches, but otherwise received no injury. I neither sent him back again into the stockade nor placed him in stocks or chain-gang; I simply had him put in the guard tent and kept there till I had a chance of sending him to be exchanged. I availed myself of the first opportunity. His name was Trado, and the disposition thus made of him will be found in the prison record, which is in the hands of the prosecution and is not accessible to me.

There are a few other dog stories in the testimony, but none of them directly connecting myself with them. This of Frenchy's is the only one with which I am personally identified. The fact that Frenchy was not seriously hurt by the dogs has been testified to by Guizetti, (part, 53, p 5413,) and the fact of his being sent away to be exchanged is verified by other witnesses.

The man did not die, and therefore I cannot be found guilty of his murder. What other cases of the kind may be found scattered throughout the testimony are of that floating character that they cannot be in any way fixed, and I certainly cannot be called upon to answer them.

As to any death of a prisoner in the stocks I believe the only tangible case is that of Frenchy, whom some witness causes to end his career in that manner. If there is any other instance of the kind, it too is of the "stuff that dreams are made of."

I believe I have gone through all the specifications under the charge of murder, and claim, in all confidence, that to find me guilty of any single one of them would be an outrage on common sense, which I earnestly trust and believe this high court is incapable of committing.

These same and other allegations are mixed up, I believe, under the charge of conspiracy. It puzzles me to understand the logic or reason of that thing. But I suppose it is necessary to say something in regard to them.

The idea of keeping a pack of dogs for the tracking and recapturing of prisoners did not originate with me, nor am I responsible for the odium or blame attaching to it. On this point I will only cite the testimony of Colonel James H. Fannin, who commanded the 1st Georgia reserves, stationed at Andersonville; on page 2924, part 44, he testifies as follows:

Do you know anything about a man named Turner?

A. Sergeant Turner, the owner of the dogs, belonged to the 1st regiment Georgia reserves, my regiment, company K. I do not know that I ever saw Turner till an order came from General Winder, in June or July, 1864, requiring this man Turner to report to him in person. I recollect sending for the man and his reporting to me. I sent him over to General Winder, and he came back and reported to me that General Winder had given him a furlough to go home. I said that was something rather irregular, I thought, and I asked him on what

business he had been ordered. He said that the general had ordered him to go home and get a pack of negro dogs he had and bring them there, in order to capture prisoners * * He was sent for his dogs and returned with them, I think, in the latter part of June or about the 1st or the middle of July."

So, too, Lieutenant Colonel Persons (part 46, page 3708) testifies:

Could Captain Wirz in any way give furloughs to the guards for shooting Union prisoners?

A. No, sir; he could not.

Q. Did you ever know or hear of one obtaining a furlough for shooting a Union prisoner?

A. I never heard of it, and I do not believe there was any. * * I think I would have heard of it if any such thing had happened.

Need I quote any more witnesses to confound that slanderous charge?

The court is aware that there is much more to the same effect in the record, but I should suppose that would suffice. It has been contradicted, I am sure, to the full satisfaction of the court, and I will only quote the testimony of one or two witnesses on that point. The same Colonel Fannin (page 2917) says:

Q Did a guard ever apply to you for a furlough, on the ground that he had shot a Union soldier, or did you ever hear of such a thing while you were there?

A. I heard that such things were spoken of there, but they were mere rumors, and there was no truth in them; * * I do not know that any application was made on that ground. None ever was, that I know of. I heard it as camp rumor, nothing more.

As to the stocks and other means of punishment resorted to at Andersonville, I am not aware that they are unusual or cruel.

The stocks, and the ball and chain, have been resorted to, perhaps, in every regiment in either service. They were never used at Andersonville except in flagrant cases and where the prisoner had deliberately broken his parole. There has been a good deal of testimony taken in regard to granting furloughs to confederate soldiers as a reward for shooting Union prisoners. That is sworn to by many witnesses for the prosecution just as strongly as many other things alleged against me. And there is just as much truth in it. It was a mere idle, absurd camp rumor.

There is a large amount of testimony in reference to depriving prisoners of their rations. Two witnesses, Samuel Dand, Jacob D. Brown, have it that from the first to the fourth, or from the second to the fifth of July, no rations entered the stockade. (Part 7, page 462–470.)

If this story were true, how many prisoners—reduced as they were—would have survived it? and yet that is but a fair sample of the sort of testimony on which I am sought to be condemned. There is just one-fourth of the story true. The men did not get their rations on the fourth of July; not, however, as a matter of punishment. The cause was simply this: that was the day when the conflict with the raiders occurred. The commotion in the camp was so great that the quartermaster, who was distributing the rations at the time, had to leave the stockade. Some men had their rations distributed, but comparatively few. The rest had to do without theirs till the next day, when both days' provisions were supplied. That is the whole story, when simplified and denuded of those wondrous exaggerations which the judge advocate and his witnesses have woven into it. Any other stoppage of rations was but partial, confined to a squad, and for the reasons that have been clearly assigned. And that is the whole story of starvation. The amount and character of the provisions I have shown that I was not responsible for. The prisoners, as has been fully shown, were allowed the same rations as confederate troops at posts and on light duty.

There is one circumstance, not in evidence, but which perhaps the judge advocate will admit, bearing on the general question of my responsibility for rations, &c. Captain R. B. Winder, quartermaster of the post at Andersonville, forwarded to the Secretary of War in this city a communication, which will be found in the War Department, stating that in regard to food, shelter, water, burial of the dead, and all other matters appertaining to the quartermasters' department

at Andersonville, he alone was responsible up to the time that the matter of provisions was turned over to the commissary.

All the testimony in that respect, whether oral or written, of official or unofficial persons, established that fact; and the court's own knowledge of military routine must confirm it.

By what show of justice can the government endeavor to hold me responsible for all these things?

There is some testimony in regard to my violently assaulting prisoners, and I believe one witness, of the Sergeant Gray stripe, has represented me as knocking down and stamping upon a prisoner with such violence as to cause his death. The date is fixed as September, but there is no name, regiment, or anything else to vindicate who that soldier was, and therefore I am precluded from the possibility of direct contradiction. But the indirect contradiction is perhaps equally positive. The court has seen for itself the helpless, inflamed condition of my right arm, which was as bad then as it is now. (See Dr. Roy's testimony, part 70, page 4468.) And the court knows that it would be utterly impossible for me to use that arm in any active manner, much less commit violence of that nature with it. My left arm is equally powerless, the shoulder having been dislocated, and in September I was only recovering from a long sickness. That is the only contradiction that I can give to that and similar stories; except indeed that general contradiction which I now approach, and which applies to the whole range of evidence brought against me.

Father Whelan, the Catholic priest who visited Andersonville, that good, pious, simple-minded, God-fearing and man-loving priest, whose self-sacrificing labors there entitle him to the reverence of all who witnessed or may ever read of them, testifies as follows, (part 42, page 2872:)

While you were there, did you ever hear or know of any personal violence of Captain Wirz to any soldier?

A. No, sir; I never saw Captain Wirz inflicting any personal violence on any prisoner. Neither did I hear of it during my stay there. * * * It is the highest probability that such a thing could not have occurred without my knowledge. * * * I mingled with the prisoners entirely. I have been there for a fortnight perhaps without speaking to any but prisoners. If anything of that nature had occurred, it is highly probable that I should have heard it. * * * He afforded me every facility with regard to the prisoners. * * He never showed any objection to giving me at any time a pass to go into the stockade or hospital. * * * He was always calm and kind to me.

His fellow-clergyman, Father Hamilton, testifies as to the same point, (page 2869:)

It seemed to me that he was disposed to do everything in his power for their spiritual comfort, and, as far as I could see, for their bodily comforts also.

Colonel Fannin testifies, at page 2931, that he never heard while at Andersonville of my doing such a thing as killing or otherwise injuring a prisoner in any way.

Lieutenant Colonel Persons (part 46, page 3080) testifies as follows:

Q. Did you ever know or hear of Captain Wirz, in any way, shooting or beating with a pistol or kicking to death any prisoner while you were there?

A. No, sir.

Q. Did you ever know of his killing them in any way or brutally treating them?

A. No, sir; I never did. * * * If he had used any extraordinary violence it strikes me I would have heard of it.

Q. But you never did?

A. I never did.

These were all witnesses for the prosecution, who were re-examined for the defence. Another witness for the prosecution, Robert H. Kellogg, who was in the stockade from May to September, acting as sergeant of a squad, and who has since published a book on the subject, testified on his direct examination, in answer to the judge advocate, that he never heard Captain Wirz give any orders and never (p. 370) saw him perpetrate any acts of cruelty. On cross-

examination he repeats this, adding (p. 391) that he never heard Captain Wirz order anything to be taken from a prisoner. Colonel D. T. Chandler, another important witness for the prosecution, and whom I have quoted on other points, visited Andersonville in August, 1864, as inspector general of the adjutant general's department at Richmond. He described how he went into the prison and examined matters for himself. He says, (part 24, p. 1609 :)

I took the men aside and questioned them, so that Wirz could not hear me, as to any complaints they had to make, and none of them made any complaints against him. The complaints were mostly of insufficient food, of want of shelter, and want of clothing. No complaints were made about him to me.

The report which Colonel Chandler made to his government, and which is in evidence in this case on the part of the prosecution (Exhibit 19) speaks, as the court will recollect, in most favorable terms of me, while recommending the relieving the commander of the post on account of the exhibition of the very qualities which are now imputed to me. I quote from his report (part 23, p. 1543 :)

Captain Henry Wirz, in immediate command of the prison, is entitled to commendation for his untiring energy and devotion to the discharge of the multifarious duties of his position, for which he is pre-eminently qualified. I respectfully concur in the recommendation which has been forwarded by General Winder for his promotion.

I put it to the court whether, if there was any truth in the stories of cruelty, heartlessness, and oppression of which I have been the subject, an officer of the keenness, intelligence, and breadth of views of Colonel Chandler, would not have discovered, in his week's close inspection of all pertaining to the prison at Andersonville, that I was an improper person to occupy the position that I filled, and whether, instead of recommending my promotion, he would not have recommended my instant removal. Cruelty to and neglect of prisoners were no passport to Colonel Chandler's good opinion, for on those very grounds he urged and pressed upon the war department at Richmond the removal of my superior officer. And who can believe that if one hundredth part of what is here charged against me were true, none of the prisoners within the stockade, none of the paroled men outside, none of the officers attached to the post, would have whispered in his ear that I was cold, heartless, cruel? Why, gentlemen, he could not have passed an hour there without learning of it. The very stones would have cried out against me. I claim, therefore, that if there were nothing in this case in my favor except the testimony of Sergeant Major Kellogg, Colonel Persons, Colonel Fannin, Colonel Chandler, Father Hamilton, (all witnesses for the prosecution,) and Father Wheelan, (for the defence,) that alone ought to outweigh the medley mass of incongruous and self-contradictory statements put in by the government, even if it reached ten times its present volume. If there was truth in it, then the testimony of those honorable gentlemen whom I have named could not possibly be true. But if their statements are reliable (and the judge advocate can certainly not call them in question) then the whole prosecution must inevitably fail. I put it to the good sense, the judgment, the justice, of this court, as to which side the testimony is in favor of; only adding that, besides the paragraphs I have quoted, every respectable and reliable witness, either for the government or for myself, who was in a position to know anything about the every-day history of Andersonville, has stated before this court in the most positive and unequivocal terms that all the stories about my cruelty were entirely new to them when they came to Washington, and had never reached their ears before. Is not this utterly inconsistent with the truth of the wondrous stories told by those witnesses, who represent me in their own imaginations and to a too credulous public as the incarnation of all that is monstrous and cruel? In this connection I will allude, in passing, to that incident testified to by several of my witnesses, viz : my collecting and taking out of the stockade all the little boys who were in it, in order that the poor little fellows might, in the enjoyment of purer air and healthful exercise, have a better chance

of being restored to their yearning mothers and sisters at home. Did that in me indicate a totally depraved condition? Is it consistent with the picture drawn of me by the prosecution? No, gentlemen, the fabulous Wirz of this case should be like ambition, "made of sterner stuff"

My services in seeing to the proper distribution of Father Whelan's supply of flour to the patients in hospital, my politeness to Miss Rawson, who came with her fortnight's supply to one poor federal soldier, my bearing towards the ladies of Americus, and toward the Methodist minister, Rev. E. B. Duncan, who came there twice to preach the gospel, are all irreconcilable with the picture drawn of me.

As to the vaccination matter, I might as well be held accountable for an unskillful amputation, an improper dose of medicine, or anything else of that sort. The testimony of the prisoner who was put in the stocks by my order, in connection with that subject, is true to this extent, that the medical officer of the day reported to me the man's refusal to be vaccinated, and when I spoke to him on the subject he replied in an insolent and offensive manner. The putting him in the stocks was not a coercive but a punitive measure. Is it necessary to plead before this court the absolute necessity of maintaining strict discipline?

As to the whipping of prisoners of war, there are in the evidence two undisputed cases of the kind—one that of an Italian named Bardo, another that of a colored man named Hawkins. Bardo himself was produced before you, and testified (part 53, page 3460) that he was whipped because he had disguised himself as a negro, but that the order to whip him was given, not by me, for he knew "the old Dutch Captain" but by a lieutenant who wore a black feather in his hat. The whipping of Hawkins was in punishment for an outrageous assault upon a respectable white woman in the neighborhood, and for forging my name to a pass. There is enough of evidence in the case, although some was excluded, to establish these facts. Any other whipping of negroes that may have taken place was in the quartermaster's department. They were made to work, not being regarded by the confederate government, whose officer and servant I was, in the light of prisoners of war. As to my profane expressions, wherein I am represented as comparing my services to the confederate government with those of generals or regiments at the front, these, too, are gross exaggerations. The only remarks of that character were to the effect that I had a larger command than any general in the field. The court can see how easily this natural remark could have been tortured, as it was, into one implying devilish purposes. The remark at the graveyard as to the Yankees receiving the land they came to fight for, was actually made, but not by me. There were other officers present, and one of them was the utterer of it. The insulting language attributed to me by the witness Spencer never was uttered. In fact, he makes the conversation take place in the presence of two officers who had left Andersonville months before; just as in his story about negotiations for land, he puts in the mouth of W. W. Turner language in regard to his earning money enough in the hunting of escaped prisoners to pay for the land—never for a moment supposing that his Turner was a totally distinct person from the owner of the hounds.

And now I have gone over as much of this case as it is within my power to do. I have not purposely avoided any subject properly in the case; if I have overlooked any I pray the court not to impute it to my inability to dispose of it favorably to myself. I hope that, as it is, I have not wearied the court. I have sought to compress my statement into the smallest possible compass. Perhaps I might here end what I have written. A few paragraphs more and I will do so.

There is one consideration in the case which perhaps may not have escaped the impartial attention of this commission. Placed, as I am represented by

the government to have been, in a position where I had unlimited powers, I never used those powers for the purpose of my own aggrandizement. There is not even an insinuation, I believe, that I ever robbed a federal soldier there of anything that belonged to him. The property taken from the prisoners who belonged to raiding parties (and none was taken from any other) was turned over invariably to the quartermaster.

The case of exchange of bad pork for good beef was a trifling and innocent matter that has been grossly magnified. I had had some hogs slaughtered, and fearing that all of the meat might not keep, I asked the commissary if he would exchange some fresh beef against it, pound for pound, if he found the pork good. He consented to do so, and the exchange was effected to the extent of just 70 pounds. Not an ounce of that pork was ever furnished inside the stockade. It was so good that the paroled men outside sought and obtained it. With that simple exception the record shows that I never interfered with provisions there. On the contrary, there is much testimony to show that in several instances I regularly paid for the extra ration of paroled men. I stand, therefore, as I humbly claim, with my character for honesty and fair dealing spotless and unsullied. If I was the tyrant and ruffian that I am represented to be, and had everything my own way, is it likely I would have made such an arrangement with paroled men?

And here I will close with one or two final remarks. The court will observe that in this statement I have studiously avoided any deviation from the strict, legitimate path of my defence. I have not said a word to bring discredit upon any officer of the late confederate or of the federal government. I have not attempted to complicate the case with any allusions as to where the responsibility rested for non-exchange of prisoners of war.

Closely connected as that question is with the general subject, it has nothing to do with the subject of my guilt or innocence. If I were rash or imprudent enough to touch that question it might be imputed to me as an acknowledgment of the weakness of my case. I want all the sympathy, good feeling and confidence of this court too much to say or do anything that might give offence. It is composed of brave, honorable, and enlightened officers, who have the ability, I am sure, to distinguish the real from the fictitious in this case, the honesty to rise above popular clamor and public misrepresentations, and who have names and reputations to transmit to history, and to leave unimpaired to their descendants. I cannot believe that they will either darken their intellect or prostitute their independence for the sake of crushing out the last faint embers of a life that is just ebbing out. I cannot believe that they will consent to let the present and future generations say of them that they stepped down from their high positions, at the bidding of power, or at the more reckless dictate of ignorant, widespread prejudice, to consign to a felon's doom a poor subaltern officer, who, in a different post, sought to do his duty and did it. The statement, which I now close, will probably survive me and you alike. It will stand as a complete answer to all the mass of misrepresentation heaped upon me. May God so direct and enlighten you in your deliberations that your reputation for impartiality and justice may be upheld, my character vindicated, and the few days of my natural life spared to my helpless family.

H. WIRZ,
Late Captain, A. A. G., C. S. A.

WASHINGTON, *October* 18, 1865.

The JUDGE ADVOCATE. As I intimated, when interrogated as to the time which I should require after the statement of the prisoner had been submitted, I now ask for twenty-four hours in which to prepare the closing argument in this case. In view of the more than usual importance of the questions to be

to present the argument as fully as possible, calling attention to some things which have not been noticed in the statement made for the defence. I shall be fully ready to go on next Friday morning.

Mr. BAKER inquired of the judge advocate whether he had sent for Dr. Ford, to be examined as a witness in the case.

The JUDGE ADVOCATE. Dr. Ford was excused from coming here under a necessity which I felt bound to recognize; but I agreed to state, if called upon by counsel, that if he were produced as a witness he would testify, as I now admit that he would, that the condition of the prisoner's arm at this time is not such as to enable him to fell to the ground a stout man, or seriously injure such a one by beating him, without injuring the prisoner himself at the same time. The doctor wanted me to say that he, of course, knew nothing as to the condition of the prisoner's arm at Andersonville, and could in no way reason back so as to enable him to give an opinion as to its condition at that time. He wished me further to state that while the prisoner could not, in his present condition, knock down a stout man, it might be true that he could knock down a man in such a condition as those were at Andersonville, as he understands it.

He also said that there were, on the prisoner's left shoulder, marks of a wound, but he could not give an opinion as to the cause, and he was not prepared to state that the left arm was disabled in any particular. He also said that the prisoner came to the Old Capitol affected somewhat by scurvy.

Mr. BAKER stated that he would like the court to make an inspection of the prisoner's wounds in the presence of Dr. Ford, and would like the doctor to give his opinion on a hypothetical case, and requested the judge advocate to secure the presence of that gentleman at the next meeting of the court.

The JUDGE ADVOCATE assented to the request.

Mr. BAKER remarked that there were one or two points to which he wished to call the attention of the court in behalf of the prisoner, and said that he would like to do so on Friday morning, before the argument for the prosecution should begin.

The JUDGE ADVOCATE said that the statement of the prisoner having been concluded, it was hardly proper for such additional suggestions to be made by counsel; but if the gentleman would hand to him the suggestions referred to, he would call the attention of the court to them, and examine them fully,

Mr. BAKER. I will do so.

The court then adjourned until Friday morning, October 20th, at 10 o'clock a. m.

ARGUMENT OF THE JUDGE ADVOCATE.

SPECIAL MILITARY COMMISSION,
Washington, D. C., Friday, October 20, 1865.

The court met pursuant to adjournment. Present all the members and the judge advocate.

The prisoner and his counsel were also present. The proceedings of the last meeting were read and approved.

The JUDGE ADVOCATE submitted the following argument:

May it please the court: Deeply sensible of the importance and solemnity with which you have clothed this trial, and quickened, as I know you are, to a high sense of duty by the obligation you have taken to "well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the prisoner to be tried, and to duly administer justice, according to your conscience, the best of your understanding, and the custom of war," no word of mine is needed to increase the impressiveness of this occasion.

In many of its aspects and bearings this trial presents features more startling, discussed, I feel it but right to ask this of the court, in order that I may be able

more extraordinary, and more momentous than are found in the whole annals of jurisprudence. The charges and specifications here laid accuse this prisoner and other persons, named and unnamed, with having "maliciously, traitorously, and in violation of the laws of war, conspired to impair and injure the health and to destroy the lives, by subjecting to torture and great suffering, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter and to the dews and burning sun of summer, by compelling the use of impure water, and by furnishing insufficient and unwholesome food, of large numbers of soldiers in the military service of the United States held as prisoners of war at Andersonville, Georgia, by the so-called Confederate States of America, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might be aided and comforted."

I invoke, gentlemen, your calm deliberation, your most dispassionate and humane judgment, while I endeavor to unfold the proofs of guilt.

In a field so broad, presenting so many issues and involving so many persons, it has been a question of grave thought with me, how to present the argument in this case, my desire being only to give to the court a perspicuous and faithful analysis of the testimony, nothing extenuating and setting down naught in malice.

With this view I have thought it best to notice—

1st. Such legal objections as have been made to the commission as a judicial tribunal, and such other objections as may be deemed worthy of notice touching the manner in which the case has been tried.

2d. To present a truthful analysis of the testimony without regard to the responsibility of parties, for the purpose of ascertaining, as nearly as language can portray them, the horrors of Andersonville, that we may be prepared to appreciate fully the fearful responsibility of those inculpated by the evidence.

3d. To examine charge 1st, alleging conspiracy; in this connection showing the extent of the conspiracy, its purposes, and the criminality of each of the conspirators, and—

4th. To show the guilt of the prisoner at the bar under charge second, alleging murder in violation of the laws of war.

JURISDICTION OF THE COURT.

Among the numerous special pleas filed by the counsel, denying the right of the court to try the prisoner, there is but one, I believe, which has not been abandoned. This is the plea to the jurisdiction.

I can hardly suppose that any member of this commission entertains a doubt on this point; yet I do not feel at liberty to pass unnoticed a question so seriously made, and about which honest and loyal men differ. If there be neither law, safe precedent, nor right, upon which to base this proceeding, then it is a serious assumption of power, and alike dangerous to yourselves and the prisoner, and one in the exercise of which the order of his excellency the President will not protect you. While I have yet to read the adverse opinion of a single lawyer given outside the court room, who speaks from the standpoint of one who knows from the teachings of experience how strong has been, and is still, the necessity of checking and punishing crimes against the laws of war, committed in rebellious districts, during and in aid of rebellion against the government, yet it must be conceded that there is a color of reason in the argument, and it is because with great persistency your right to proceed is denied, that I shall presume to address myself to this question.

As we recede from a state of actual war and approach a condition of profound peace, we doubtless travel away from the corner-stone upon which the military commission as a judicial tribunal rests; but that your right to try the case before

you is disturbed by a mere suspension of hostilities on the part of rebels in the field, while the spirit of rebellion is still rampant, I do not for a moment suppose, and in a very brief resumé of the argument on the subject I hope to make it so appear. As I view this question of jurisdiction, it is one of both law and fact, to determine which each case must rest upon its own merits.

It involves a question of law in determining whether a court of this kind can be legally constituted, and a question of fact as to whether the present case can be thus tried; for a military court may be properly constituted, yet the case brought before it not properly triable by it.

If this be true, the subject may be disposed of in the examination of the following questions: 1st. Has the President of the United States the constitutional power to convene a military commission for the trial of military offences committed in time of war? 2d. Is this case triable by military?

I believe it is not claimed by any that the power assumed by the President in convening this commission for the purpose named in the order dwells in him, except in time of war and great public danger, or during insurrection or rebellion.

Your jurisdiction is a special one, resting upon no written law, but derived wholly from the war powers of the President and Congress, which are themselves of course derivable from the Constitution. If it can be shown to safely rest upon these, you become invested, not only with a right, but a high duty to sustain it in obedience to the proper order of your commander-in-chief.

On an examination of the opinions expressed against the right claimed, you will discover the whole argument to rest upon the negative declarations or prohibitory clauses of our fundamental law, denying to Congress the exercise of certain powers, as for example: "No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury," &c., &c.; "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury," &c. Articles 5 and 6 amendments to Constitution. "The trial of all crimes, except in cases of impeachment, shall be by jury," article 2, section 2d, Constitution. Whatever else may be brought into the argument, these and kindred clauses are the real source of complaint whence a misguided loyalty, a super-technical judgment, have found reason for withholding their approval of the measures adopted by the government, through the military commissioner, to aid in suppressing a rebellion for its overthrow. And hence you are told gravely, the act of the President is a usurpation of power, this court without a legal existence, your proceedings a nullity.

For a moment, let us try and ascertain the purpose of those who framed the Constitution, and by fair interpretation arrive at the true meaning of that great chart of liberty.

Alexander Hamilton wrote at the time the Constitution was being canvassed before the people for final adoption:

> The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. * * * This is one of those truths which to a correct and unprejudiced mind carries its own evidence along with it, and may be obscured, but cannot be made plainer by argument or reasoning. The means ought to be proportioned to the end, the persons from whose agency the attainment of any end is expected, ought to possess the means by which it is to be attained." (Federalist No. 23.)

Mr. Madison, in speaking of the impossibility of anticipating the exigencies which might arise, and the futility of legislating for what could not be anticipated, at the same time insisting that the powers as granted to the President and Congress are now ample for every emergency, says:

> It is vain to impose constitutional barriers to the impulse of self-preservation. It is worse than in vain, because it plants in the Constitution itself necessary usurpations of power. (Ibid No. 41.)

Many years later, and after its adoption, with such light flooded upon it as the great minds of those early days could shed, Mr. Adams, in unequivocal phrase, enunciated the same idea. In speaking of the authority of Congress in time of war, he says:

> All the powers incident to war are, by necessary implication, conferred upon the government of the United States.
>
> * * * * * * * * *
>
> There are then, in the authority of Congress and of the Executive, two classes of powers, altogether different in their nature and often incompatible with each other, the war power and the peace power. The peace power is limited by regulations and restricted by provisions prescribed within the Constitution itself. *The war power is limited only by the laws and usages of nations.*
>
> This power is tremendous; it is strictly Constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life.

These are bold words, uttered when civil war was not impending, when a powerful rebellion to overthrow this great nation could hardly have been anticipated; the opinion of a great mind and a pure patriot, with judgment free from the tyranny of partisan clamor, they come to us with all the force of law itself.

Do you find difficulty in reconciling these constitutional incompatibilities? Your statute punishes assault and battery, yet a law underlying the statute, not expressed, says you may resist force with force; and this well-grounded rule will allow you to defend yourself even to the slaying of your antagonist. Necessity knows no law inadequate to its demands, and self-preservation antedates all law. Who shall say that a government in whose perpetuation rest the hopes of the world, a Constitution broad enough and liberal enough to protect the rights of all over whom it reaches—a people whose confidence in the perfection of their form of government, four years of internecine war have not shaken—who shall say that these are denied nature's first law? No, these law-givers and wise men of olden and modern times spoke truly when they laid down the doctrine that the principle of self-preservation belongs to nations, no less than to individuals; and that it is not in the power of a nation to code away this right.

The Supreme Court of the United States has, in numerous decisions, declared that Congress and the Executive possess the right to do whatever the public safety may require to suppress rebellion or repel invasion. (4 Wheaton, 420; 12 Wheaton, 119–128; 8 Cranch, 15.)

This opinion was entertained by the fathers of the Constitution and is found embodied in congressional legislation as early as 1792, reiterated in 1795 and 1807, which seem to have been statutes made to meet just such emergencies as this war brought upon us. (See Statutes at Large vol. 1, pp. 264, 424; vol. 2, p. 419.)

In 12 Wheaton, (Martin *vs.* Mott,) Mr. Justice Story, in an opinion sustaining the constitutionality of these laws, says:

> The President is the exclusive judge of the exigency, and his action must be conclusive of the exigency.

Thus taking from the Supreme Court the right to impeach the President's judgment. This same opinion is sustained in Luther *vs.* Borden, 7 Howard, 42–43.

I suppose it will not be denied that war changes the relations of all parties brought into antagonism as belligerents by it. No one can attack me without forfeiting his right for redress if I injure him by proper resistance without resorting to the forms of law to make him keep the peace; and no one can levy war upon our government without placing himself beyond the ægis of the Constitution.

It must be remembered when objection is made to the exercise of this necessary power of the President, that what might be a good plea for a loyal citizen, who has committed a civil offence against the criminal statutes of the land, is not a good plea for a traitor who is on trial for the commission of a military offence against the laws of war.

As we are endeavoring to determine whether the President can by right

exercise the power to organize a court for the trial of military offences committed by those not in the military service, it may not be necessary to pursue this line of argument further. Let me, however, place by antithesis some things expressly prohibited in the Constitution, but which it is generally conceded may be done in time of war.

"The United States shall guarantee to every State a republican form of government, * * * and shall protect each of them against invasion," (Const., Art. IV, Sec. 4;) yet the whole power of the government has been concentrated in one grand invasion of the south for four years.

"The right of the people to be secure in their persons, houses, papers, &c., against search, &c., shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath, &c;" (Amend. Const., Art. IV,) yet, I suspect, an action of trespass would not lie against the officer who broke open certain escritoires, bringing to light the proofs of conspiracies entered into by leading rebels south and north to poison, burn, and assassinate.

"No soldier in time of war shall be quartered in any house without the consent of the owner, but in a manner to be prescribed by law," (Amend. Con., Art. III;) yet it was hardly expected that our generals in an enemy's country would consult the statutes "in such case made and provided."

"The right of the people to keep and bear arms shall not be infringed," (Ibid., Art. I;) yet the general or executive who would, fearing to violate this right, permit the Knights of the Golden Circle, or any other hostile combination, to organize or menace the government, could hardly defend himself before his country.

"The freedom of speech shall not be abridged," (Ibid., Art. I;) yet who would hesitate to say that the inciter of treason by speech is no less a traitor than he who raises his hand against the government.

"Private property shall not be taken without just compensation," (Ibid., Art. V;) yet during the rebellion millions of dollars' worth have been seized and used for military purposes without any process of law whatever, and millions more have been libelled under the confiscation act of Congress and converted to public use without just compensation.

Who so bold as to deny the principle upon which this has been done?

Art. IV, Sec. 11, Const., provides for the recapture of slaves escaping to free States, and the Supreme Court of the United States has said, also pledges the federal government to protect the rights thus secured to slave-owners: against and in violation of which rises like a pillar of fire the proclamation of freedom, apotheosizing its author—the crowning glory of his administration. The highest proof that our cause is approved in the *forum conscientiæ*.

How can there be such antagonisms in our magna charta? How are these things defensible? They are the "incompatibilities" of which Mr. Madison speaks. We see here the harmony, at the same time, the conflicts between the war powers and the peace powers of which Mr. Adams speaks, and there is presented in strong light the adaptation of means to ends, which Mr. Hamilton insists upon; and above all, that inherent power which spurns all barriers and grounds itself upon great first principles, dwells always with the source of all power and is inseparable from it—the people—and declares as fearlessly as it battles, that in times of war and great public danger laws and constitutions are silent if they stand in the way of the nation's life.

But it is said that Congress may have the power to create military commissions, yet as it has not done so, or conferred that right upon the President, it is, therefore, an unwarrantable assumption.

It seems to me that, as the Constitution expressly confers no power of this kind upon Congress, it matters little whether Congress or the President exercise it; and if one can do so, with equal right can the other. The whole question still rests upon necessity, to meet which the neglect of one will not excuse the

other. Still, inquiring whether this can be done in any case, let us recur a moment to opinions cotemporaneous with the Constitution.

We began our struggle for independence under the articles of confederation, and it is well known that the colonies reserved all rights to themselves, not *expressly* delegated to the confederacy. Then, as now, there were traitors, whose crimes partaking of the nature of military offences, were made punishable by military courts. If you will examine the legislation of the country, it will be found that from 1775 down to the present time, authority has been conferred upon military courts to try civilians for the commission of certain offences. See acts of Congress, 7th November, 1775; 17th June, 1776; 27th February, 1778; 23d April, 1800; 10th April, 1806; 13th February, 1862; 17th July, 1862. Congress conferred this jurisdiction on both courts-martial and military commission, until during this war, however, resorting to the court-martial.

Now it has been frequently decided by the Supreme Court that a court-martial is a tribunal provided for in the rules and articles of war, but with a jurisdiction limited to military persons, as well as military offences, so that it is as much a usurpation to try a civilian by court-martial as before a military commission.

Admitting this, we find ourselves strongly fortified by those early enactments, especially in the light of the decisions of the Supreme Court. Stewart *vs.* Laird, (1 Cranch, 299,) decides that "a cotemporary exposition or construction of the Constitution acquiesced in for a period of years fixes it beyond the reach of doubt," and we are compelled to conclude that the power assumed grows out of a necessity of which Congress or the President must judge at the time.

Many things are proper to be done in time of peace, which in time of war become high crimes. No criminal code and no civil criminal tribunal can reach these; they are incident to and grow out of a state of war.

Every student of history, whether or not he may have studied law, understands this. It is a timid loyalty, a yielding to doubtful and hasty clamor, that, during this war, questioned a practice sanctioned by all nations and begun on this continent cotemporary with the Constitution.

But, again, a declaration of war institutes a code of laws for the government of the belligerents, known as the laws of nations. And this is true of an insurrection, as well as of a foreign war, so that we are to look more to the custom of nations than to our own Constitution for guides. We have enumerated some of our constitutional guarantees intended to protect all persons, but it will hardly be pretended that rebels, war traitors, assassins in aid of rebellion, banditti, guerillas, and spies, could plead them or derive any immunity by them. The true guide and the higher law is the law of war and the customs of civilized nations. From a recent opinion of the present Attorney General, given in support of the commission for the trial of the President's assassins, taking this view, I extract the following:

> A military tribunal exists under and according to the Constitution in time of war. Congress may prescribe how all such tribunals are to be constituted, what shall be their jurisdiction and mode of procedure. Should Congress fail to create such tribunals, then, under the Constitution, they must be constituted according to the laws and usages of civilized warfare, and they may take cognizance of such offences as the laws of war permit. That the laws of nations constitute a part of the laws of the land is established from the face of the Constitution, upon principle and by authority. (See also Opinions of Attorneys General, vol. 1, page 27; 5 Wheaton 153.)

He then proceeds to show that an army has to deal with two classes of enemies, one of which is the open active belligerent or soldier in uniform, who observes the law of war; the other is a violator of the laws of war, and usages of civilized nations, who, when caught, may be shot down as an enemy to the human race, or tried by military courts and subjected to such punishment as the laws of war authorize. Here, as before, we see that the only safe rule is to place in the hands of the commander-in-chief of the army, or his subordinates

acting under proper orders, full and exclusive discretion as to the means to be used to protect the existence of his army, subject only to be held responsible for the abuse of the discretion so conferred. And whether he resort to military commission, court-martial, drumhead court, summary and instantaneous execution, right, reason, and wise public policy must sustain him so long as he keeps within the code of civilized nations.

I do not think it necessary to notice the distinction made between material law and military law, your guide being, as I conceive it, the law of nations rather than either. I might remark, however, that *military law* is a part of the law of the land in times of peace and war; but *martial law* is an incident of war, and may or may not be declared. I do not rest your right, however, to sit as a military commission, upon the action of the President in this particular. He may not have declared martial law to be in force, still your existence be legal. He may not have suspended the writ of *habeas corpus*, still your jurisdiction be undisturbed. To declare martial law is one act of war power; to suspend the writ of *habeas corpus* another; to order this court to try the prisoner before it, another.

It is an error to suppose there must be an enemy menacing you *pendente lite*, a declaration of war, a suspension of trial by civil tribunal before you can proceed. The civil courts may be in never so complete operation, the enemy in a remote part of the country, and the place of trial in the midst of a peaceful portion of the land; still, if there be a necessity, and the offence be properly punishable by the laws of war, the duty at once falls upon the proper officer to meet that necessity as the public safety may require. I believe this view to be sustained by the best military writers, and a legitimate sequence of the argument in support of military commissions. The practice of European powers confirms this opinion, the right having never been seriously questioned, but its abuse being provided for by bills of indemnity.

If further precedent be required it is amply presented in the action of President Washington during the "whiskey insurrection" of 1794 and 1795, of President Jefferson during the Burr conspiracy of 1806, of General Jackson in 1814, at New Orleans and afterwards in Florida, in all of which cases, though of infinitely less moment compared with the exigencies growing out of the present war, it was enunciated that whatever the existing necessity demands must be done. (See Halleck's International Law, page 371, 380, and cases cited.)

Second. Having presented sufficient reasons for concluding that the President has usurped no authority and violated no laws in constituting you a military court for the trial of military offences, it remains to notice whether the present case comes within the scope of your jurisdiction. Here I think we will have less difficulty, as it is more a question of fact than law.

This prisoner is charged with the perpetration of offences many of them unknown to common law or statute law, they were committed by a belligerent, in his own territory, in the exercise of a commission assigned him by the enemy, and in the execution of the orders of his superiors, given in violation of the laws of war.

The government he served never did and never can try him; no civil tribunal is possessed of power; the duty then, as I think, devolves upon you. But it is said the war is over, there is no longer any necessity for military tribunals, and however proper in times of war and public danger to assume the functions of civil courts, there is now no reason for doing so.

If it were necessary I would traverse the fact. The war is not over. True, the muskets of treason are stacked; the armies of the rebellion are dissolved, some of the leaders are in exile, others are in prison; but by far the largest portion, sullen, silent, vengeful, stand ready to seize every opportunity to divide the loyal sentiment of the country and with spirit unbroken and defiant, would this day raise the standard of rebellion if they dared hope for success. This opinion of the war still existing is not mine alone. The Attorney General in

his return to Judge Wylie's writ of *habeas corpus*, issued for the surrender of the body of Mrs. Surratt, spoke of it in that sense.

Congress in many of its enactments provided for a state of war after a cessation of hostilities. The whole policy of the government towards the southern States sustains this idea.

The President by suspending Judge Wylie's writ in the Burch case on the 16th of September since this trial began, his adherence to President Lincoln's proclamation of martial law, and his declining to take any action that might be construed into a proclamation of peace, all show beyond doubt that the time of public danger has not passed. But, however this may be, with the fact you have nothing to do. The President, by constituting you a court to try this prisoner, has, by that act alone, declared the presence of a public danger, and that a necessity exists to still cling to military tribunals for the punishment of military offences; and it is beyond your power to dispute his judgment. You may perhaps pass upon the question as to whether you are a court, but as to the emergency requiring you to try and punish this prisoner if guilty, the President is the sole judge. The Supreme Court has so decided, as we have before seen.

I hope then, gentlemen, you may find it not against your consciences or judgment to proceed to a final verdict in this case, and that you may illustrate the wisdom expressed in the judicial opinion of one of our most eminent jurists, given in 4 Wheaton, 316.

> The government of the Union is a government of the people, it emanates from them, its powers are granted by them, and are to be exercised for their benefit; and the government which has a right to do and act, and has imposed upon it the duty of performing the act, must, according to the dictates of reason, be allowed to select the means.

Having thus disposed of the question of jurisdiction, I ask indulgence a moment to notice some of the objections which have been made by the counsel for the prisoner in the progress of the trial.

I am not prepared to believe that this court would stultify itself by declaring that their action, after argument pro and con as to the admissibility of evidence, overruling of motions of pleas or sustaining the same, was wrong, and that they now desire to correct it; however, as the conduct of the case has been somewhat criticised, and as the counsel, who declined to argue the defence, intimated that a large part of the address would have been directed to those objections, and has asked that they be not wholly overlooked; I think it is not entirely out of place to review at this time, very briefly, the points of objection It has been frequently asserted in court by counsel that the whole power of the government was concentrated upon the prosecution of this prisoner, and that he, single-handed and without the aid of the government, has been conducting the defence. It is well known that witnesses for the defence receive a per diem and their actual expenses in coming to the court and returning to their homes. The records of this court will show that every subpœna asked for has been given, except in the cases of a few rebel functionaries who, for reasons stated at the time, were not subpœnaed. Of this, however, there should be no complaint, as the facts which those witnesses were expected to establish were shown by other witnesses, and as a proposition was made by the judges advocate to admit that those witnesses thus excluded would testify here to the same facts, a proposition which was declined by the counsel.

The records of this court will also show that there have been 106 witnesses subpœnaed for the defence, of whom 68 reported. Of these, 39, many of them soldiers of our army and sufferers at Andersonville, were discharged without being put upon the stand, the counsel, for reasons known only to himself, declining to call them. Besides this the government has, without a precedent, furnished, at great expense, to the prisoner a copy of the record from day to day during the progress of the trial. The government has also given his counsel

the benefit of its clerical force, and, in short, shown the prisoner indulgences which should forever close the mouth of one whose treatment of its soldiers was in such striking contrast, that he must have felt the more deeply his guilt. Again, it has been frequently complained of during the trial, that the court has excluded the declarations of the prisoner, made in his own behalf, and has refused to allow him in other instances to show what he did. I think the court will remember that in every case the whole of any particular transaction has been given for and against the prisoner, and that the *res gestæ*, properly so called, has never been excluded.

All the prison records in possession of the government which could throw any light upon this case are in evidence.

The prisoner has been allowed to show acts of kindness wherever they could, with any legal propriety, be given, as, for instance, the taking of drummer boys out of the stockade because of their youth, the allowing Miss Rawson to administer to the wants of one soldier, the giving of passes to ministers of the gospel to enter the stockade, his letters and reports with reference to the wants of the prison, his kindness to the prisoners whom he detailed for duty outside the stockade, and many other things, all of which, we shall show hereafter, are not incompatible with the idea of his guilt. But even admitting more than is claimed or proved for the prisoner, in regard to his urging Winder and the rebel authorities to do certain things, the law is clear that if a party remain in a conspiracy, though protesting against it and seeking to escape from it, or if he continue in an unlawful enterprise, insisting that he does not mean to do harm, yet if harm results or serious and criminal consequences follow, he is nevertheless responsible.

If in the course of one year's pursuit of an illegal business, a stupendous crime indeed, the perpetrator could show less than this prisoner has shown in his favor, he would not be entitled to the human name.

It would be strange indeed if this record of 5,000 pages, of 38 days of weary, laborious trial, presented no wrong rulings, no improper exclusion or admission of evidence in a greater or less degree pertinent to some issue made; but I assert with all confidence and with honest belief, that the interests of this prisoner have not been and cannot be affected injuriously by such action in any instance that can be named.

It must not be forgotten, and to do this I call the special attention of the counsel and of the court, that nowhere in this record can there be found the exclusion of a scintilla of evidence bearing on the defence to the charge of murder, and to which this prisoner is more especially called to answer. There is another fact to which I would also call the attention of the counsel and the court, and it is this: that if after a careful examination of the evidence there be found sufficient legal proof, legally spread upon the record, you must proceed with your finding without regard to any illegal evidence, and not, as the counsel would insist, declare the whole vitiated. This is sustained by reason and by law, wherever it comes up to the true standard, which after all is but the perfection of human reason. The only instance in which appellate courts remand cases for new trial is where, from the bill of exceptions presented, they cannot determine whether the jury were or were not misled by the evidence improperly admitted; but where they find that the errors complained of were not material, or where the verdict is sustained after disregarding the errors, no courts will subject the parties to a second trial, or interpose to save the complainant.

Out of place as this may be in the order of my argument, I have deemed it just to say this much.

SUFFERINGS AT ANDERSONVILLE.

We come now to notice the evidence spread upon the record with regard to the sufferings of Union prisoners at Andersonville.

CHARACTER OF TESTIMONY.

It is argued that the evidence presenting the horrors of Andersonville is not of that class which is entirely reliable; that those who were in the rebellion have been brought here forcibly by the government, and made to testify in anticipation of reward by pardon or through fear of being themselves punished, and that the evidence of soldiers who were sufferers at Andersonville was highly colored, testifying as they did under the sense of the injuries inflicted upon them while prisoners, and warmed to enthusiasm in the enumeration of their wrongs.

I need say only in reply, that the careful observer of this trial must have discovered how utterly powerless has been the language of witnesses to describe the condition of affairs at Andersonville; that where science has spoken through her devotees, where inspectors have tried to convey a correct idea, where the artist has sought to delineate, or the photographer to call the elements to witness, they have all uniformly declared that with all these appliances, nothing has presented in their true light the horrors of that place.

The evidence before you is of the highest character. It consists of many kinds, from many directions, from persons speaking in the interest and for the good of the rebel government, from persons under a strong sense of the wrongs done those miserable wretches, from disinterested observers neither in the one nor the other army, and from the injured themselves. And yet there is a most striking concurrence in all this testimony all agreeing that history has never presented a scene of such gigantic human suffering. If I can succeed in presenting to your minds a faithful picture of Andersonville as it was, or make such an analysis and grouping of the testimony as to show to the civilized world a tithe of its horrors, the suffering endured, I shall have accomplished all I can hope, and shall have done more than I fear I am able to do.

THE STOCKADE.

The stockade at Andersonville was originally built, as we learn from many sources, with a capacity of 10,000, its area being about eighteen acres. It continued without enlargement until the month of June, 1864, when it was increased about one-third, its area then, as shown by actual survey, being 23½ acres. The prison as described by Dr. Joseph Jones, a surgeon in the rebel army, in his official report to the surgeon general, consisted of a strong stockade in the form of a parallelogram 20 feet in height, formed of strong pine logs firmly planted in the ground, with two smaller surrounding stockades, one 16, and the other 12 feet high; these latter being, as he says,

> Intended for offence and defence. If the inner stockade should at any time be forced by the prisoners, the second forms another line of defence, while in case of an attempt to deliver the prisoners by a force operating upon the exterior, the outer line forms an admirable protection to the confederate troops, and a most formidable obstacle to cavalry or infantry. (Record, p. 4328.) [Manuscript, p. 172.]

To show more clearly the strength of this stockade, I quote again from Dr. Jones's report.

> The four angles of the outer line are strengthened by earthworks upon commanding eminences, from which the cannon, in case of an outbreak among the prisoners, may sweep the entire enclosure. (Record, pp. 2328 and 2329.) [Manuscript, p. 1721.]

On the outside of the inner stockade were erected 35 sentry boxes or watch towers overlooking the area within, and so constructed as to protect the sentries from the sun and rain.

From Colonel Chandler's inspection report dated August 5, 1865, I quote the following:

> A railing around the inside of the stockade and about 20 feet from it constitutes the dead-line, beyond which prisoners are not allowed to pass. A small stream passes from west to

east through the enclosure about 150 yards from its southern limit, and furnishes the only water for washing accessible to the prisoners.

Bordering this stream about three-quarters of an acre in the centre of the enclosure are so marshy as to be at present unfit for occupation, reducing the available present area to about 23½ acres, which gives somewhat less than six square feet to each prisoner.

And he remarks:

Even this is being constantly reduced by additions to this number.

From the beginning to the close, the only shelter in the prison was such as the ingenuity of the prisoners could devise, all the standing timber and undergrowth having been cut away, and with the exception of a small shed, covered but not enclosed, stretching across a portion of the north end of the stockade, nothing whatever existed to protect the prisoners from the inclemency of the weather, or the intolerable heat of that climate.

The prison was entered by two gates, called the north and south gates, the first situated a short distance north of the bakery, the other a short distance from the southwest corner and on the west side.

THE COOK-HOUSE.

Immediately above the stockade, and on the stream passing through it, was situated an immense cook-house, at which all the rations provided for the prisoners, if cooked at all, were prepared. The drainage and offal of this bakery passed immediately into the stream running through the prison. Still above and on the same stream, were located, at distances varying from 500 yards to half a mile, several rebel encampments. These washed into the stream and their sinks were located on it.

THE HOSPITAL.

The hospital which was erected some time in June, 1864, prior to which the sick were treated under the shed already referred to inside the stockade, was a stockade enclosure similar to the prison, situated on the south side of the prison, about 400 yards from the southeast corner, and containing five and a half acres.

A stream of water passing through its southeast corner emptied itself into the stream crossing the stockade, a few yards from the east side of the stockade. Within this enclosure were erected for hospital buildings, long sheds constructed of poles, with roofs made of pine boughs, and in some instances of planks, without any siding or other protection. In some cases wall and fly tents much worn and in very bad condition were used. This constituted the shelter furnished the sick.

THE DEAD-HOUSE.

The dead-house was a building similar to one of the hospital sheds except that it was partially enclosed by boards and puncheons nailed on its sides. To this the dead were conveyed upon litters, blankets, stretchers, and by such other means as the prisoners could devise, and were conveyed thence in army wagons, about 25 in each load, piled up like cord-wood or "as a western farmer hauls his rails," as one of the witnesses told you, to the burying ground, which was situated a few hundred yards northwest of the stockade.

CONDITION OF THE STOCKADE.

Having thus given an outline of the stockade, the hospital, and their surroundings, let us inquire into the condition of each of those places, taking first the stockade. It will be remembered that the testimony is drawn from many sources. I present, 1st. The opinions of medical officers in the service of the rebel government, on duty at Andersonville and elsewhere, at the time these suffer-

ings are alleged to have been endured. 2d. The opinions of rebel officers assigned to the special duty of investigating the condition of affairs at Andersonville, together with the records of the prison. 3d. The opinions of officers and soldiers of the rebel army on duty at Andersonville. 4th. The observations of persons residing in the vicinity during this period, and who paid frequent visits to Andersonville; and 5th. The testimony of prisoners themselves. I shall endeavor to present the subject in the order above mentioned.

TESTIMONY OF MEDICAL OFFICERS.

Among the earlier official inspections given this prison was that of Surgeon E. J. Eldridge, who made a report, pursuant to instructions of Major General Howell Cobb, and which accompanied the report of that general, made upon the same subject to the adjutant general of the rebel government, for the information of the war department, and which reached that department May 21, 1864. (See Exhibit 15 A.) He says:

> I found the prisoners, in my opinion, too much crowded for the promotion or continuance of their health, particularly during the approaching summer months. The construction of properly arranged barracks would, of course, allow the same number of men to occupy the enclosure with material advantage to their comfort and health. At present their shelter consists of such as they can make of the boughs of trees and poles, covered with dirt. The few tents they have are occupied as a hospital. * * * I found the condition of a large number of the Belle Island prisoners on their arrival to be such as to require more attention to their diet and cleanliness than the actual administration of medicine, very many of them suffering from chronic diarrhœa, combined with scorbutic disposition with extreme emaciation, as a consequence. The hospital being within the enclosure, it has been found impracticable to administer such diet, and give them such attention as they require, as, unless constantly watched, such diet as is prepared for them is stolen and eaten by the other prisoners.

He then proceeds to urge upon the authorities at Richmond the necessity of removing the hospital. On this point he says:

> I consider the establishment of a hospital outside of the present enclosure as essential to the proper treatment of the sick, and most urgently recommend its immediate construction.

And to meet an objection, which he says was made at Richmond to doing this because additional guards would be required, he says:

> Nurses could be detailed with such discretion that but few would attempt to escape, and with frequent roll-calls, they would not be absent but a few hours before detected, and would be readily caught by the dogs, always at hand for that purpose.

Up to this time no bakery for the prisoners existed, their rations being issued to them raw, as will appear from the following paragraph in the report:

> The bakery just being completed will be a means of furnishing better prepared food particularly bread, the half-cooked condition of which has doubtless contributed to the continuance of the bowel affections.

The mean strength of prisoners at the date of this report, as shown by the journal kept by the prisoner, was about 14,000.

Thus we see that the sufferings at Andersonville were anticipated as early as May, and the rebel government duly warned of that question, however, hereafter.

Without pretending to analyze the evidence of each medical gentleman who has testified upon this subject, as they all concur in the general facts in relation to the condition of the stockade, I select the report of one of the most intelligent of their number, quoting him somewhat fully. The gentleman who speaks through the report I am about to give is Dr. Joseph Jones, professor of chemistry in the medical college of Georgia, a graduate of the University of Pennsylvania, and a man of eminence in his profession.

He went to Andersonville under the direction of the surgeon general of the

confederacy, pursuant to an order dated Richmond, Virginia, August 6, 1864, in which the surgeon general uses the following language:

The field of pathological investigations, afforded by the large collection of federal prisoners in Georgia, is of great extent and importance, and it is believed that results of value to the profession may be obtained by a careful investigation of the effects of disease upon the large body of men subjected to a decided change of climate, and the circumstances peculiar to prison life. (Record, pp. 4325; manuscript, p. 1721.)

From this will be seen there was authority from a high source for his proceedings, certifying a knowledge of the condition of things at Andersonville in the surgeon general's office, if it does not specially commend the humanity of that office. After making some remarks in regard to the character of the soil, the internal structure of the hills, &c., Dr. Jones proceeds to give a table illustrating the mean strength of the prisoners confined in the stockade from its organization, February 24, 1864, to September, 1864.

This computation, I may remark, is only approximately accurate, and is arrived at by adding together the number of prisoners at the first, the middle, and the last of each month and dividing the result by three. His table, however, shows the following, as the mean result:

March	7,500
April	10,000
May	15,000
June	22,291
July	29,030
August	32,899

He says:

Within the circumscribed area of the stockade the federal prisoners were compelled to perform all the offices of life, cooking, washing, urinating, defecation, exercise, and sleeping. * * * * * * * * *

The federal prisoners were gathered from all parts of the Confederate States east of the Mississippi, and crowded into the confined space until, in the month of June, the average number of square feet of ground to each prisoner was only 33.2, or less than four square yards. (Record, p. 4331.) These figures, he says, represent the condition of the stockade in a better light even than it really was, for a considerable breadth of land along the stream flowing from west to east between the hills was low and boggy, and was covered with excrement of men, and thus rendered wholly uninhabitable, and in fact useless for every purpose, except that of defication. (Record, p. 431 and 432.)

It will be remembered that besides this swamp must be excluded the space between the dead-line and the stockade, which, together with the bog, must be excluded from the whole area.

Colonel Chandler, in his official report, makes a computation, showing that the actual space allowed to each prisoner was only six square feet, there being scarcely room for the prisoners all to lie down at the same time.

Dr. Jones's report continues:

With their characteristic industry and ingenuity, the federals constructed for themselves small huts and caves, and attempted to shield themselves from the rain and sun, and night damps and dews. But few tents were distributed to the prisoners, and those were in most cases torn and rotten. In the location and arrangement of these tents and huts, no order appears to have been followed; in fact regular streets appeared to be out of the question in so crowded an area, especially, too, as large bodies of prisoners were from time to time added suddenly, without any previous preparation * * * * * * The police and internal economy of the prison was left almost entirely in the hands of the prisoners themselves, the duties of confederate soldiers acting as guards being limited to the occupation of the boxes or look-outs arranged around the stockade at regular intervals, and to the manning of the batteries at the angles of the prisons. (Record, p. 4334 and 4335.)

Again:

Even judicial matters pertaining to themselves, as the detection and punishment of such crimes as theft and murder, appear to have been in a great measure abandoned to the prisoners. A striking instance of this occurred in the month of July, when the federal prisoners within the stockade tried, condemned, and hanged six (6) of their own number who had

been convicted of cheating and of robbing and murdering their fellow-prisoners. They were all hung upon the same day, and thousands of the prisoners gathered around to witness the execution.

The confederate authorities are said not to have interfered with these proceedings. In this collection of men from all parts of the world, every phase of human character was represented. The stronger preyed upon the weaker, and even the sick, who were unable to defend themselves, were robbed of their scanty supplies of food and clothing.

Dark stories were afloat of men, both sick and well, who were murdered at night, strangled to death by their comrades for scant supplies of money and clothing. I heard a sick and wounded federal prisoner accuse his nurse, a fellow-prisoner, of the United States army, of having stealthily, during his sleep, innoculated his wounded arm with gangrene, that he might destroy his life, and fall heir to his clothing.

The large number of men confined within the stockade, soon, under the defective system of police, and with imperfect arrangements, covered the surface of the low grounds with excrements. The sinks over the lower portion of the stream were imperfect in their plan and structure, and excrements were in a large measure deposited so near the borders of the stream as not to be washed away, or else accumulated upon the low, boggy ground. The volume of water was not sufficient to wash away the fæces, and they accumulated in such quantities in the lower portion of the stream as to form a mass of liquid excrement. Heavy rains caused the water of the stream to rise, and as the arrangements for the passage of the increased amount of water out of the stockade were insufficient, the liquid fæces overflowed the low grounds, and covered them several inches after the subsidence of the waters. The action of the sun upon this putrefying mass of excrements, and fragments of bread, meat and bones, excited most rapid fermentation, and developed a horrible stench; improvements were projected for the removal of the filth and for the prevention of its accumulation, but they were only partially and imperfectly carried out.

As the fæces of the prisoners were reduced by confinement, want of exercise, improper diet and by scurvy, diarrhœa, and dysentery, they were unable to evacuate their bowels within the stream, or along its banks, and the excrements were deposited at the very door of their tents. The vast majority appeared to lose all repulsion to filth, and both sick and well disregarded all the laws of hygiene and personal cleanliness. The accommodations for the sick were imperfect and insufficient. (Record, pp. 4333, 4334, 4335, and 4336.)

Again he says:

Each day the dead from the stockade were carried out by their fellow-prisoners and deposited upon the ground under a bush arbor just outside of the southwestern gate. From thence they were carried in carts to the burying ground, one-quarter of a mile, northwest of the prison. The dead were buried without coffins, side by side, in trenches four feet deep. The low grounds bordering the stream were covered with human excrements and filth of all kinds, which in many places appeared to be alive with working maggots.

An indescribably sickening stench arose from this fermenting mass of human dung and filth. (Record, p. 4339.)

And again:

There were nearly 5,000 seriously ill federals in the stockade, and Confederate States military prison hospital, and the deaths exceeded 100 per day, and large numbers of the prisoners who were walking about and who had not been entered upon the sick report, were suffering from severe and incurable diarrhœa, dysentery and scurvy. * * * * I visited 2,000 sick within the stockade, lying under some long sheds, which they had built at the northern portion for themselves. At this time only one medical officer was in attendance, whereas at least twenty medical officers should have been employed. (Record, pp. 4340 and 4341.)

By comparing two very interesting tables of statistics given in this connection by Dr. Jones, it will be observed that although the number of sick in the stockade was the same as that in the hospital while the number of surgeons in attendance in the stockade was greatly below that in the hospital, the deaths occurring were about the same in each, or, in other words, the prisoners died as rapidly *with* treatment as without it. This is confirmed by the opinions of several surgeons, among them Drs. Roy, Flewellen, Hard, Rice, and others, who have stated that medicine was of little use, and that more could have been done by dieting.

Again Dr. Jones says:

Scurvy, diarrhœa, dysentery, and hospital gangrene were the prevailing diseases. I was surprised to find but few cases of malarial fever, and no well-marked cases of typhus fever. The absence of the different forms of malarial fever may be accounted for in the supposition that the artificial atmosphere of the stockade, crowded densely with human beings, and loaded with animal exhalations, was unfavorable to the existence and action of the malarial poison. The absence of typhoid and typhus fevers, amongst all the causes which are supposed to generate these diseases, appeared to be due to the fact that the great majority of

these prisoners had been in captivity in Virginia, at Belle island, and in other parts of the confederacy for months, and even as long as two years, and during this time they had been subjected to the same bad influences; and those who had not had these fevers before, either had them during their confinement in confederate prisons, or else their systems from long exposure were proof against their action. (Record, p. 4343.)

A most striking fact is here presented, which illustrates perhaps in as strong a light as is possible the terrible condition of our prisoners. The report shows that in a region of country favorable to malarial fevers, persons lying in the open air on the border of a swamp, without shelter, drinking unwholesome water, in short with every surrounding conducive to malaria, still the poison of that atmosphere, made so by the peculiar circumstances, overcame all those influences, and rendered the place comparatively free from fevers of a malarial nature.

After describing at some length the effects of scurvy and hospital gangrene, the report proceeds:

The long use of salt meat, oftentimes imperfectly cured, as well as the almost total deprivation of vegetables and fruit, appeared to be the chief cause of the scurvy.

I carefully examined the bakery and the bread furnished the prisoners, and found that they were supplied almost entirely with corn-bread, from which the husk had not been separated. This husk acted as an irritant to the alimentary canal, without adding any nutriment to the bread. (Record, p. 4346.)

After speaking of the sheds used for the sick in the stockade, which were open on all sides, he says:

The sick lay upon the bare boards, or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of fæces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering with diarrhœa. The haggard and distressed countenances of those miserable, complaining, dejected, living skeletons, crying for medical aid and food, * * * * and the ghastly corpses, with their glazed eye-balls staring up into vacant space, with the flies swarming down their open and grinning mouths, and over their ragged clothes infested with numerous lice, as they lay among the sick and dying, formed a picture of helpless, hopeless, misery, which it would be impossible to portray by words or bythe brush." (Record, p. 4348.)

It would hardly seem necessary, if indeed it were possible, to add coloring to the picture here drawn. I cannot refrain, however, from noticing further the condition of these prisoners, as we learn it from the same class of testimony. Dr. Amos Thornburgh, a rebel surgeon on duty at Andersonville from the 14th of April until the prison was finally broken up, fully confirms everything said by Dr. Jones. After speaking of the terrible mortality among the prisoners, and in reply to the question: "To what do you attribute it?" he says:

I attribute it to the want of proper diet, the crowding together of too many men in the prison and in the hospital, the lack of shelter and fuel, and consequent exposure. While I prescribed at the stockade after the hospital was moved outside, the number of sick who could not be admitted into the hospital became so great that we were compelled to practice by formulas for different diseases, numbering them so that instead of a prescription, a patient was told to use No. —. (Record, p. 2321; manuscript, p. 996.)

Manifestly improper as this method of treating diseases must appear to every one, it did not escape the criticism of the more conscientious, even of those at Andersonville. Dr. Head persisting in giving a prescription in each case, as he thought his duty as a conscientious physician required, and not willing to accept a number prepared for all stages of any one disease, was told on asking why he could not be permitted to pursue the safe course, "that he was not to practice in that way, that he had to practice according to the formulas and numbers that they had." (Record, p. 2500; manuscript, p. 1066.)

In reply to the question: "Why did you object to it?" he says:

Because I could not prescribe properly for my patients; I looked upon it as utter quackery; anybody, whether he had ever read medicine or not, could practice according to the formulas; it was often doubtful whether a prescription would suit a case in its present condition. The doctors, however, had to take that or nothing.

Dr. G. L. B. Rice, another surgeon on duty there, speaking on this same point, says:

I commenced prescribing as I had been in the habit of doing it at home, but was informed that I would not be allowed to do that; I was handed a list of formulas, and numbers from 1 up to a certain point, and we had to use those. My opinion was that we could do very little good with that kind of prescription. It was very unsafe practice. I know nothing about the ingredients in them, and had no means of knowing it. I made complaints, but the chief surgeon would not allow a change. (Record, p. 3604; manuscript, p. 1116.)

The testimony of Dr. Thornburgh and other surgeons who prescribed at the stockade shows that after the hospital was moved outside, patients were not treated in the stockade at all, but only those who were able to crowd their way through that living mass to the south gate, or could induce their companions to carry them there, or, as happened in rare instances, could have medicine sent in to them, received any medical attendance whatever. Hundreds and thousands, as appears from the concurrent testimony of all the witnesses, sickened, languished, and died in that terrible place, without any medical attendance whatever. Horrible as this may appear, the hospital register bears indubitable proof of its truth.

Let me in this connection refer to exhibit —, showing certain computations made from that register. The phrase "died in quarters" in the column of remarks, Dr. Thornburgh says, describes those cases just alluded to, and they are shown to have amounted to the frightful number of 3,727.

These dead, as we have learned from Dr. Thornburgh's testimony, after being brought out, were examined and, as far as possible, the diseases from which they died never entered on the hospital register, for a purpose so diabolical that one shudders at the thought, and which I shall hereafter notice. Others, the causes of whose deaths could not even be guessed at, or, as Dr. Jones describes it, *morbi varii*, were marked on the register "unknown." Prisoners would often die on their way to the sick gate, or while waiting their turn at the gate, or on their way from the gate to the hospital, and although in some instances such men might have been prescribed for, they could not afterwards be identified, but had to be carried to the graveyard and buried among the nameless. To prevent if possible this utter annihilation of memory, name, and fame, Dr. Thornburgh instituted a system of placards, by which he sought to prevent, if possible, this reckless wiping out of all traces of the dead, and which prevented its occurrence, he thinks, after June, 1864; but there had already gone to their last home, as Captain Moore, who reinterred the dead at Andersonville tells us, 451 of our brave soldiers. Who they are, the Andersonville register tells not, but there is a register where they are all recorded in letters of light, and one by one will these unknown rise in judgment against those who are responsible for their deaths.

Another frightful feature brought out by the testimony of Dr. Thornburgh and others, and confirmed by nearly every soldier who testified before this court, is this: that only theworst cases were allowed to enter the hospital, and so closely was the line drawn, discriminating against these supplicants, that often prisoners who had been refused admission into the hospital died on their way back to their quarters.

I will not stop now, as I am not inquiring into the responsibility of parties, to notice the ineffable cruelty of compelling the sick to remain in the stockade until they were in a dying condition, as some of the witnesses say, before they were eligible to a space as large as their own persons, in what was falsely termed a hospital.

Nor did the rigors and sufferings of this prison cease till its very close. Their shelters continued the same, no more, while the treatment both in and out of the stockade was not perceptibly better. From a temperature ranging during summer up to near 150 degrees Fahrenheit in the sun, as Dr. Thornburgh tells you, during which there were many cases of sunstroke, it fell in the winter to a temperature much below the freezing point, nothing being left these miser-

able creatures with which to resist the inclemency of the weather but diseased and emaciated bodies and ragged and worn-out clothing. Dr. Thornburgh says that during the winter there was weather sufficiently severe to have frozen to death men with the scanty supplies these prisoners had and in their emaciated condition; and Dr. Rice, after stating that the prisoners were exposed, more or less, during the whole winter, says:

I knew a great many to die there, who, I believe, died from hunger and starvation, and from cold and exposure. (Record, p. 2606; manuscript, p. 1116.)

This is more than confirmed also by Dr. Bates. (Record, p. 164; manuscript, p. 43.) And to the eternal infamy of the man who registered it, and of the heartless wretches who caused it, let it be spread before the world, that on the hospital register there appears this entry:

T. Gerrity, 106th Pennsylvania, frozen to death; admitted, January 3d, died January 3d; died in the stockade.

Showing that he not only froze to death in the stockade without medical treatment and without shelter, but that he was admitted into the hospital after death, for a purpose which I shall hereafter show.

Wishing only to get at the truth of these things, and desirous particularly that the parties responsible shall be judged, as far as possible, out of their own mouths, I must trespass upon the patience of the court for a moment, to notice the evidence of Dr. G. G. Roy, a rebel surgeon, who was on duty from the 1st of September until the close of the prison. In response to the question: "What was the condition of the men sent to the hospital from the stockade? Describe their diseases and appearance," he says:

They presented the most horrible spectacle of humanity that I ever saw in my life; a good many were suffering from scurvy and other diseases; a good many were naked; a large majority barefooted; a good many without hats; their condition generally was almost indescribable; and he goes on to say: I attributed this condition to long confinement, wants of the necessaries and comforts of life, and all those causes that are calculated to produce that condition of the system where there is just vitality enough to permit one to live. The prisoners were too densely crowded. There was no shelter except such as they constructed themselves, which was very insufficient. A good many were in holes in the earth with their blankets thrown over them; a good many had a blanket or oil-cloth thrown over poles; some were in tents constructed by their own ingenuity, and with just such accommodations as their own ingenuity permitted them to contrive; there were, you may say, no accommodations made for them in the stockade. (Record, pp. 485 and 486; manuscript, p. 192.)

Speaking of the east side of the stockade along the stream, he says:

It is composed of marsh, and was blocked with trees which had been cut down, acting as an obstruction to all the deleterious animal and vegetable matter that passed after heavy weather through this stream; it accumulated and became very noxious, and was a very fruitful source of malaria.

He then speaks of the large quantities of insects and vermin which resulted from a decay of animal or vegetable matter, and to such an extent was this place a breeder of insects, that he says mosquitos, rarely heard of in that vicinity before, so filled the air "that it was dangerous for a man to open his mouth after sundown." He speaks also of the multitude of fleas there, and says:

The fleas were as bad as mosquitos, and several weeks after the evacuation of the stockade they emigrated and came up to the private houses in the vicinity, so that the occupants had to leave on account of them.

When we remember the facts brought out in such bold relief by the elaborate report of Dr. Jones, as to the effect of slight abrasions of the skin of man under the peculiar condition of body, that most of these prisoners labored under, it would seem to have been almost useless for them to have attempted to resist the destroyer. Further along in the testimony Dr. Roy says:

This marshy place that I spoke of was just in rear of the hospital, and the winds, of course, blew the odors from there across the hospital.

And it was not until late in the winter, if at all, that any attempt was made to drain it. Still pursuing our inquiries in this direction, I desire to quote from

a report made by Dr. G. S. Hopkins and Surgeon H. E. Watkins, addressed to General Winder, and which was made pursuant to his suggestion, as embracing in a concise form many of the causes of the disease and mortality at Andersonville.

CAUSES OF DISEASE AND MORTALITY.

1. The large number of prisoners crowded together.
2. The entire absence of all vegetables and diet so necessary as a preventive of scurvy.
3. The want of barracks to shelter the prisoners from sun and rain.
4. Inadequate supply of wood and good water.
5. Badly cooked food.
6. The filthy condition of the prisoners and prison generally.
7. The morbific emanations from the branch or ravine passing through the prison, the condition of which cannot be better explained than by naming it a morass of human excrement and mud.

PREVENTIVE MEANS.

1. The removal immediately from the prison of not less than 15,000 prisoners.
2. Detail on parole of a sufficient number of prisoners to cultivate the necessary supply of vegetables. And until this can be carried into practical operation, the appointment of agents along the different lines of railroad to purchase and forward a supply.
3. The immediate erection of barracks to shelter the prisoners.
4. To furnish necessary quantity of wood, and have wells dug to supply the deficiency of water.
5. Divide the prisoners into squads, place each squad under the charge of a sergeant, furnish the necessary quantity of soap, and hold those sergeants responsible for the personal cleanliness of his squad; furnish the prisoners with clothing at the expense of the confederate government, and if that government be unable to do so, candidly admit our inability and cali upon the federal government to furnish them.
6. By a daily inspection of bake-house and cooking.
7. Cover over with sand from the hill side, the entire morass, not less than six inches deep, board the stream or water course, and confine the men to the use of the sinks, and make the penalty for the disobedience of such orders severe.

I will not stop now to notice with what flippancy and recklessness the practical suggestions made by these surgeons were put aside and totally disregarded, both by General Winder and by Chief Surgeon White.

I can hardly think that further proof, inasmuch as the proof is already made cumulative, from this class of witnesses is needed. There have been examined with regard to the condition of the stockade and hospital over seventy witnesses, and an examination of their testimony will, as I before stated, show a complete and perfect concurrence.

We come now to the second class of testimony. We learn by a letter, dated Macon, Georgia, May 5, and signed Howell Cobb, (see Extract No. 15,) that pursuant to an order from the war department at Richmond that officer visited Andersonville for the purpose of informing himself of the condition of the prison. After saying—

I presume the character of the prison is well understood at Richmond, and therefore give no description of it;

He remarks:

The prison is already too much crowded, and no additional prisoners should be sent there until it can be enlarged. The effect of increasing the number within the present area must be a terrific increase of sickness and deaths during the summer months. * * * * I doubt very much whether the water will be sufficient for the accommodation of the increased number of prisoners.

Referring to the report of Dr. Eldridge, which he enclosed in his letter, and speaking of the erection of hospital buildings outside the prison, he says:

Upon that point there cannot be two opinions among intelligent men.

Whatever may be said of the revulsion of feelings experienced by this distinguished rebel at a subsequent date, as appears from the testimony of James Burnes Walker, it is certain that at this day, May 5, 1864, the approaching horrors of Andersonville were clearly visible to him and ought to have been to

the rebel war department, which it seems received this report on the 21st of the same month.

On the 8th of May the prisoner wrote to Major Turner at Richmond, (see Extract No. 16)

> The necessity of enlarging the stockade is unavoidable.

From the same report it appears that from the 1st of April up to the date of the report, May 8, there had died 728 prisoners, nearly ten per cent. of the whole in a little over one month.

Notwithstanding this protest and the fact of the over-crowded state of the prison being brought home to the notice of the war department at Richmond, prisoners continued to arrive at Andersonville, until at the close of May the journal kept by the commandant of the prison shows the total to have been 19,201, of whom 711 died in that month. Still prisoners were hurried forward to this sepulchre, until at the end of June the journal shows there were 27,641, of whom 1,203 died in that month. It will be remembered that during these three entire months the stockade remained at its original capacity, being an area of a fraction less than seventeen acres. You will remember also that the dead-line had previously to this time been established, diminishing this area by a strip twenty feet wide running around the entire enclosure. This, with the uninhabitable portion of the swamp, left less rather than more than an acre of ground to every 2,000 prisoners. What more is needed to paint the horrors of this place?

In July, still referring to the journal, there were 33,443 prisoners, of whom 1,742 are reported died. By this time the stockade had been increased about one-third, still leaving, however, to each prisoner a space of only one foot by six. In this same month there seems to have been some correspondence between the rebel adjutant general and General Winder, who was then on duty at Andersonville. From a letter written by General Winder to Adjutant General Cooper, dated July 21, (see Extract No. 17,) I extract the following:

> You speak in your indorsement of placing the prisoners properly. I do not comprehend what is intended by it. I know of but one place to place them, and that is to put them into the stockade, where they have between four and five square yards to the man. This includes streets and two acres of ground about the stream.

It will be observed that General Winder was very careful not to mention the strip 20 feet wide cut off by the dead-line.

At the close of this month, from what motive we can only conjecture, Colonel D. T. Chandler, of the rebel war department, was sent to inspect the prison at Andersonville, and on the 5th of August, 1864, he made a full report. This report is no stronger than others from which we have already quoted, but as it is destined to figure extensively in this case at other points in the argument, I beg to make a few extracts from it.

He says:

> A small stream passes from west to east through the enclosure, furnishing the only water for washing accessible to the prisoners. Some regiments of the guard, the bakery and the cook-house being placed on rising ground bordering the stream before it enters the prison, renders the water nearly unfit for use before it reaches the prisoners. * * * *
> From 30 to 50 yards on each side of the stream the ground is a muddy marsh, totally unfit for occupation; being constantly used as a sink since the prison was first established, it is now in a shocking condition and cannot fail to breed pestilence. No shelter whatever nor material for constructing any have been provided by the prison authorities, and the ground being entirely bare of trees, none is within the reach of the prisoners.

Again:

> The whole number of prisoners is divided into messes of 270 and subdivisions of 90 men, each under a sergeant of their own number, and but one Confederate States officer. Captain Wirz is assigned to the supervision and control of the whole. In consequence of these facts and the absence of all regularity in the prison grounds and there being no barracks or tents, there are and can be no regulations established for the police, consideration for the health,

comfort, or sanitary condition of those within the enclosure, and none are practicable under existing circumstances. * * * * * * * There is no medical attendance furnished within the stockade.

He says further:

Many, 20 yesterday, are carted out daily who have died from unknown causes, and whom the medical officers have never seen. The dead are hauled daily by wagon loads and buried without coffins, their hands in many instances being first mutilated with an axe in the removal of any finger rings they may have. The sanitary condition of the prisoners is as wretched as can be, the principal causes of mortality being scurvy and chronic diarrhœa, the percentage of the former being disproportionately large among those brought from Belle island. Nothing seems to have been done, and but little if any effort made to arrest it by procuring proper food.

* * * * * * * * *

Raw rations have been issued to a very large proportion who are entirely unprovided with proper utensils and furnished with so limited a supply of fuel, they are compelled to dig with their hands in the filthy marsh before mentioned for roots, &c.

Surgeon Isaiah H. White, chief surgeon at the prison, in a report to Colonel Chandler, which was made an enclosure of his report to Richmond, says:

The lack of barrack accommodations exposes the men to the heat of the sun by day and the dews by night, and is a prolific source of disease.

* * * * * * * * *

The point of exit of the stream through the wall of the stockade is not sufficiently bold as to permit the free passage of ordure when the stream is swollen by rains. The lower portion of this bottom land is overflowed by a solution of excrement, which subsiding and the surface exposed to the sun produces a horrible stench.

EVIDENCE OF REBEL OFFICERS AND SOLDIERS.

I turn now to the testimony of the rebel officers and soldiers on duty at Andersonville.

Colonel Alexander W. Persons, of the rebel army, the first commandant of the post, who remained there until the latter part of May, says that after he was relieved he returned there again and drew a bill for an injunction, and when called upon to explain for what reason, replied:

To abate a nuisance; the graveyard made it a nuisance, the prison generally was a nuisance from the intolerable stench, the effluvia, the malaria that it gave up, and things of that sort.

The view here presented must strike the court as graphic indeed, when, without regard to the question of humanity or inhumanity involved, persons living in the vicinity of Andersonville could gravely begin a legal proceeding to abate the prison as a nuisance on the ground mainly that the effluvia arising from it was intolerable.

Colonel George C. Gibbs, who afterwards commanded the post, gives evidence on this point no less important. He was assigned to duty in October, 1864, and although the number at that time was greatly diminished, he speaks of the prisoners being badly off for clothing and shelter and in other respects destitute.

Prior to this time, some time in July, he had visited the stockade, and he uses this language in regard to its appearance then:

I rode around it on three sides, I think, and could see into it from the batteries that commanded it. I never saw so many men together in the same space before; it had more the appearance of an ant-hill than anything else I can compare it to. (Record, p. 84; manuscript, p. 16.)

Nazareth Allen, a rebel soldier on duty at Andersonville during the summer of 1864, fully corroborates these opinions, and further, in relation to the location of troops above the stockade and its effects on the prisoners, says:

The cook-house was above the stockade, and a good deal of washing was done up the branch; consequently a good deal of filth went down; some of the troops were encamped on the stream above, on the side of the hill, and the rain would wash the filth of the camps and sinks into the stream, which would carry it through the stockade. I have seen the prisoners using it when it was in this filthy condition.

* * * * * * * * *

The stench was very bad. I have smelt it when I was at our picket camp, about a mile in a straight line. It was so bad that it kept me sick pretty near all the time I was round the stockade. The soldiers preferred picket duty to sentry duty on that account.

William Williams Dillard, another rebel soldier on duty at the same time, fully confirms this. He was on duty both on parapet and on picket and had opportunity of observation. In reply to a question as to the condition of the stockade, he says:

It was as nasty as a place could be. On one occasion I saw a man lying there who had not clothes enough on him to hide his nakedness; his hip-bones were worn away; he had put up two sticks and fastened his coat over them to keep the sun off his face. There were a good many lying down sick and others waiting on them. The crowded state of the men and the filthiness of the place created a very bad odor. I have smelt it at the depot about a mile from the stockade. (Record, p. 801; manuscript, p. 327.)

Again he says:

The stream that passed through the stockade ran down between the 1st and 2d Georgia regiments and Finlon's battalion, and passed the bake-house; all the washings from the bake-house went right through the stockade, and also the washings from the camps. The pits used by the men were not five steps from the stream. Sometimes, when it was rainy, it was thick with mud and filth from the drainings of the camps inside the stockade. (Record, p. 801; manuscript, p. 330.)

Calvin Honeycutt, another rebel soldier on duty from April, 1864, to April, 1865, who was on duty at the stockade and also on picket, corroborates the testimony of his comrades.

James Mohan, a rebel private, afterwards made a lieutenant, who was on duty at Andersonville for about five months during the summer of 1864, gives similar testimony; and John F. Heath, regimental commissary with the rank of captain, on duty from May till October, 1864, fully confirms the testimony on this point already given.

EVIDENCE OF RESIDENTS OF GEORGIA.

Samuel Hall a prominent gentleman residing in Macon, Georgia, whose sympathies, he tells us, were from the beginning with the rebellion, and who held a high civil official position, says:

When first I saw it, (the prison,) in the month of August, it was literally crammed and packed; there was scarcely room for locomotion; it was destitute of shelter as well as I could judge, and at that time there was great mortality among the prisoners. (Record, p. 864; manuscript, 352.)

Rev. William John Hamilton also gives important testimony as to the condition of the stockade, which he visited in the capacity of a priest. He was there in May and at different periods subsequently. He says:

I found the stockade extremely crowded, with a great deal of sickness and suffering among the men. I was kept so busy administering the sacraments to the dying that I had to curtail a great deal of the service that Catholic priests administer to the dying, they died so fast. I waited only upon those of our own church and do not include others among the dying.

* * * * * * * *

The stockade was extremely filthy, the men all huddled together and covered with vermin. The best idea I can give to the court of the condition of the place is, perhaps, this: I went in there with a white linen coat on, and I had not been in there more than ten minutes or a quarter of an hour, when a gentleman drew my attention to the condition of my coat; it was all covered over with vermin, and I had to take my coat off and leave it with one of the guards, and perform my duties in my shirt sleeves, the place was so filthy. (Record, p. 1969; manuscript, p. 870.)

Again, giving an illustration of the sufferings of the prisoners, and especially the effect of the intense heat of the sun, he says:

I found a boy not more than 16 years old, who came to me for spiritual comfort, without jacket or coat or any covering on his feet, suffering very much from a wound in his right foot. The foot was split open like an oyster, and on inquiring the cause I was told it was from exposure to the sun in the stockade and not from any wound received in battle.

On returning to the stockade a week afterwards I learned that he had stepped across the dead-line and requested the guard to shoot him.

* * * * * * * *

He had no medical treatment, nor had any others, so far as I could see, to whom I administered the sacrament in the stockade.

Again he says:

On my second visit, I was told there was an Irishman at the extreme end of the stockade who was calling out for a priest.

* * * * * * * *

I tried to cross the branch to reach him, but was unable to do so, as the men were all crowding around there trying to get into the water to cool themselves and wash themselves, and I had to leave the stockade without seeing the man.

* * * * * * * *

The heat was intolerable. There was no air at all in the stockade. The logs of which the stockade was composed were so close together that I could not feel any fresh air inside; and with a strong sun beaming down upon it and no shelter at all, of course the heat must have been insufferable; at least I felt it so.

The priests who went there after me, while administering the sacrament to the dying, had to use an umbrella: the heat was so intense. (Record, p. 1981; manuscript, p. 870.)

Ambrose Spencer, a gentleman of prominence in his State, residing near Andersonville during the war and a frequent visitor to that place, gives us a graphic picture of the prison, which I cannot refrain from quoting. He says:

I had frequent opportunity of seeing the condition of the prisoners, not only from the adjacent hills, but on several occasions from the outside of the stockade where the sentinel's grounds were.

And in reply to a question asking him to describe the condition of the prison, he says:

I can only answer the question by saying that their condition was as wretched and as horrible as could well be conceived, not only from the exposure to the sun, the inclemency of the weather, and the cold of winter, but from the filth, from the absolute degradation which was evident in their condition.

I have seen that stockade after three or four days' rain, when the mud, I should think, was at least 12 inches deep. The prisoners were walking in or walking through that mud.

The condition of the stockade can perhaps be expressed most accurately by saying that in passing up and down the railroad, if the wind was favorable, the odor of the stockade could be detected at least two miles. (Record, p. 2455; manuscript, p. 1049.)

There are others of this class who testify upon this point, but it would seem useless to give further extracts.

EVIDENCE OF UNION PRISONERS.

We come now to the fifth and last class of testimony upon this point. This embraces the experiences and personal observations of the soldiers of the Union who were themselves sufferers.

I will not allow an inference to be drawn that these witnesses are not to be believed by attempting a defence of their credibility. With two exceptions in persons and a few in the details of immaterial facts, I believe this evidence will bear the closest scrutiny. With regard to the subject now being examined, viz: the condition of the stockade and the hospital, gentlemen of the highest intelligence and professional attainments have told you upon the stand that it is indescribable, and I cannot therefore doubt the strongest coloring given by these injured men, many of whom exhibited to the court evidences of their sufferings, when they undertake to add their personal experience to the testimony of science. If a score of these men had come upon the stand unsupported, with feelings imbittered against their captors, and given their tales of horror, the world might well doubt; but when they come from all arms of the service, from all parts of the country, and without collusion and in numbers overwhelming, and are not only not contradicted in any material fact, but are supported by concurrent testimony from all sources, their evidence is entitled to the highest credence. Let no man ever say that Andersonville was overdrawn by these men. I hope it will not be considered out of place, though it may not constitute a material part of the argument, to give a complete list of these sufferers who have testified:

Major Archibald Bogle, 35th United States colored troops; A. N. Barrows, hospital steward 27th Massachusetts volunteers; Robert H. Kellogg sergeant major, 16th Connecticut volunteers; Thomas Alcoke, 72d Ohio volunteers; Boston Corbett, sergeant 16th New York cavalry; Samuel D. Brown, 101st Pennsylvania volunteers; Jacob D. Brown, 101st Pennsyl-

vania volunteers; Martin E. Hogan, 1st Indiana cavalry; Joseph D. Keyser, hospital steward 120th New York volunteers; Andrew J. Spring, 16th Connecticut volunteers; O. S. Belcher, 16th Illinois cavalry; James H. Davidson, 4th Iowa cavalry; Thomas Hale, United States marine corps; James Clancey, 48th New York volunteers; Oliver H. Fairbanks, 9th New York cavalry; J. Nelson Clark, 7th Pennsylvania reserves; P. Vincent Halley, 72d New York volunteers; Edward J. Kellogg, 20th New York volunteers; Joseph R. Archuff, 24th Ohio volunteers; Daniel W. Bussinger, 10th Pennsylvania reserves: Horatio B. Terrell, 72d Ohio volunteers; Robert Ullerton, 97th Pennsylvania volunteers: Frank Maddox, 35th United States colored troops; Joseph Alden, 2d Massachusetts volunteers; William H. Jennings, 8th United States colored troops; Thomas N. Nay, 1st Ohio volunteers; Doren H. Stearnes, 1st United States sharpshooters; Alexander Kennel, 7th Ohio cavalry: William Willis Scott, 6th West Virginia cavalry: L. S. Pond, 2d New York heavy artillery; Abner A. Kellogg, 40th Ohio volunteers: Sidney Smith, 14th Connecticut volunteers; Gottfried Brunner, 14th Connecticut volunteers; Thomas H. Howe, 102d New York volunteers: Barnard Colligan, 2d Ohio volunteers: John W. Case, 47th New York volunteers; Charles F. Williams, 1st New Jersey cavalry: Prescott Tracey, 82d New York volunteers; William Crouse, 7th Pennsylvania reserves; John Pasque, cockswain United States navy; James E. Marshall, 42d New York volunteers: N. W. Crandall, 4th Iowa volunteers: Willis Van Buren, 2d New York cavalry: Patrick Bradley, 2d Massachusetts volunteers: John Fisher, 8th United States colored troops; Henry C. Sull, 146th New York volunteers: Felix O. De la Baume, 39th New York volunteers; John H. Goldsmith, sergeant major 14th and 15th Illinois volunteers, (consolidated;) Jasper Culver, 1st Wisconsin volunteers: John L. Yonker, 12th United States infantry; James P. Stone, 2d Vermont volunteers; George Conway, 3d New York artillery; D. S. Orcutt, 11th Pennsylvania cavalry; Williams Bull, Mean's independent Loudon Rangers, Virginia volunteers, (loyal;) James H. Burns, 10th Connecticut volunteers; A. G. Blain, 122d New York volunteers: Charles H. Russell, 1st Wisconsin cavalry; Bernard O'Hare, 6th New York Cavalry; J. Burnes Walker, 141st Pennsylvania volunteers; Hugh R. Snee, 39th Illinois volunteers; Samuel M. Riker, 8th New Jersey volunteers; Charles E. Smith, 4th United States cavalry; Thomas Walsh, 74th New York volunteers; Captain Wilson French, 17th Connecticut volunteers; J. E. Alden, 4th Vermont volunteers; Robert Tait, 52d Pennsylvania volunteers; Samuel J. M. Andrews, 17th Illinois volunteers; William B. Francis, 75th Ohio volunteers; John A. Cain, California cavalry battalion; Louis Deyer, 12th United States colored troops; George W. Gray, 7th Indiana cavalry; Frederick W. Hille, 2d Delaware volunteers; Benjamin F. Dilley, 54th Pennsylvania volunteers.

It is not my purpose in this connection to enter into a detail of the sufferings, the acts of cruelty inflicted, and the inhuman treatment they received, or to inquire by whom these things were done. Reserving that for its proper place in the argument, I shall simply refer to this testimony to assist us in ascertaining more certainly the horrors to which these brave men were subjected.

Dr. A. W. Barrows, hospital steward of the 27th Massachusetts regiment, and acting assistant post surgeon at Plymouth, North Carolina, arrived at Andersonville on the 28th of May, and remained there six months; owing to his knowledge of medicine, and efficiency, he was paroled by the prisoner and assigned to duty in the hospital. His testimony is important as showing the condition of the hospital, mainly, but he has also given some material evidence with regard to the stockade, and from it I make the following extract:

I remember when there have been as many as from 75 to 100 who died during the day in the stockade, and who were never taken to the hospital; that was in the month of August.

Robert H. Kellogg entered the prison on the 3d of May, 1864, and remained there until the following September; he says:

We found the men in the stockade ragged, nearly destitute of clothing, totally unprovided with shelter, except that which tattered blankets could afford; they looked nearly starved; they were mere skeletons covered with skin: the prison seemed very crowded to us, although there were thousands brought there after that. * * * They were in a very filthy condition; indeed there were but two issues of soap made to the prison while I was there. * * * When we first went there the nights were very cold. That soon passed away as the season advanced, and during the summer it was intensely hot. There were 21 rainy days in the month of June. Our supply of fuel was not regular nor sufficient. We were allowed to go several times, under guard, six men from a squad of 90, to bring in what we could find in the woods on our shoulders; but the greater part of the time we had to rely upon our supply of roots we dug out of the ground, or grabbed for in the swamps—pitch pine roots. * * * Rations were issued raw many times without fuel to cook them. The squad of 90 of which I was sergeant went from the 30th of June to the 30th of August without any issue of wood from the authorities. (Record, p. 361, 362; manuscript, p. 134–138.)

Again he says:

The quality of the rations was very poor; the quantity greatly varied. There were days when we got nothing at all; I made a note of at least two such days. * * There were other days when we got but very little; other days enough, such as it was. When my regiment went there the men were healthy; they gradually sickened, until I remember one morning at roll-call out of my 90 there were 32 who were not able to stand up. This resulted principally from scurvy and diarrhœa. This was on the 21st of August; a number of the men of my squad having died up to that time. The mass of the men had to depend on the brook for their water; it at many times was exceedingly filthy; I have seen it completely covered with floating grease, and dirt, and offal. After the prisoners had been there some time they dug some wells, and there were some springs along the south side of the prison, on the edge of the hill by the swamp, but the supply from that source was entirely inadequate. * * * They supplied the wants of a few. * * * * Of the 400 men captured with me more than 300 are dead; they died in prison or a few days after being paroled; and that is a larger percentage of living than there is in many regiments. The 24th New York battery, which was captured at Plymouth, was nearly annihilated. (Record, p. 367; manuscript, pp. 134 and 139.)

This is the simple, unvarnished narrative of perhaps as intelligent a witness as has been upon the stand. He has written a book entitled "Life and Death in Southern Prisons," which has been used extensively by counsel for the accused.

I do not want to burden the record with a recapitulation of all that these witnesses have testified to, but I think it can be safely said that not one word of Robert H. Kellogg's testimony has been or can be disproved. There are many of his comrades who fully confirm him, without adding any special facts that would tend to elucidate this point. These I shall omit in this connection. There are others, however, who give additional facts bearing on this subject, and I beg your indulgence while I refer to them.

Boston Corbett's testimony brings out some facts to which I will first call your attention. Speaking of the heat, he says:

It was so great that I have the marks upon my shoulders yet. (Record, p. 425; manuscript, p. 166.)

Of the brook and the swamps bordering it, he says:

It was a living mass of putrefaction and filth; there were maggots there a foot deep; any time we turned over the soil we could see the maggots in a living mass; I have seen the soldiers wading through it, digging for roots to use for fuel. I have seen, around the swamp, the sick in great numbers, lying pretty much as soldiers lie when they are down to rest in line after a march. In the morning I could see those who had died during the night, and in the daytime I could see them exposed to the heat of the sun, with their feet swelled to an enormous size; in many cases large gangrene sores filled with maggots and flies which they were unable to keep off. I have seen men lying there in a state of utter destitution, not able to help themselves, lying in their own filth. They generally chose that place, (near the swamp,) those who were most offensive, because others would drive them away, not wanting to be near those who had such bad sores. They chose it because of its being so near to the sinks. In one case a man died there, I am satisfied, from the effects of lice. When the clothes were taken off his body, the lice seemed as thick as the garment—a living mass.

Again:

The water in the stockade was often very filthy; sometimes it was middling clear. At times I would go to those who had wells dug; sometimes they would give me a drink, sometimes they would not; they used such rough language to me that I turned away parched with thirst and drank water from the stream rather than beg it from the men who had wells. (Record, p. 437; manuscript, p. 165.)

Again:

The minds of the prisoners were, in many cases, so affected that the prisoners became idiotic. (Record, p, 439; manuscript, 152.)

On page 452 of the record, (manuscript, p. 172,) he says:

I have taken food, given me to eat, to the stream and washed the maggots from it. I have seen them in the sores of soldiers there, and I have seen them in such a way that it is hardly fit to describe in this court.

Too horrible for belief as this may seem to be, it stands confirmed by at least 50 witnesses.

Martin E. Hogan is a witness whom the court will remember as among the more intelligent, and at the same time truthful and candid. His observations were confined mainly to the hospital, but I feel impelled to make a brief extract from his testimony in regard to the stockade. He says:

At the time of my arrival there (speaking of the stockade) it was very much crowded, so much so that you could scarcely elbow your way through the crowd in any part of the camp. I noticed a great many men lying helpless on the ground, seemingly without care, without anybody to attend to them, lying in their own filth; a great many of them calling for water, a great many crying for food; nobody apparently paying any heed to them; others almost entirely destitute of clothing, so numerous that I could not begin to say how many. (Record, p. 575; manuscript, p. 210.)

Then follows testimony similar to that of Boston Corbett, in regard to the swamp and the vermin in it.

Andrew J. Spring, who went to Andersonville in May, 1864, says, that upon entering the stockade, "I found the prisoners destitute of clothing; I could not tell in many cases whether they were white men or negroes."

On the 29th of the same month he was detailed for duty outside. After being outside the stockade about six weeks, he says:

I applied to the lieutenant of the guard at the gate, and gave him $12 in greenbacks to let me go in and stay an hour to see our boys; I went in and spent an hour inside the stockade; a great many of the boys were very poor; there were some of my own best friends whom I could not recognize till they came and shook hands with me, and made themselves known; even then I could hardly believe they were the same men. I have seen men, acquaintances of mine, who would go around there not knowing anything at all; hardly noticing anything. I have seen men crippled up so that they had scarcely any life in them at all; they would lie on the ground, to all appearances dead; I went up to several who I thought were dead, but I found they had a little life in them.

James H. Davidson, (Record, p. 936½; manuscript, p. 386,) speaking of the condition of the stockade, says:

I have seen men who had the appearance of being starved to death; I have seen men pick up and eat undigested food that had passed through other men, all through the camp; it came from men who were not able to go to the slough, and they would find it all through the camp.

This, it will be remembered, is testified to by very many.

Dan. W. Bussinger says:

I have seen men eat undigested food that had passed through other men; they would wash it and eat it; pick it up from the sinks. (Record, p. 1125; manuscript, p. 490.)

Without referring to names or going into particulars it may be stated that other witnesses testify to the prisoners watching for the bodies of the dead, for the privilege of carrying them out, that they might be allowed to return with wood. One witness says there was a scramble for this privilege. Others testify that they paid at the rate of a dollar for a stick of wood three inches in diameter and two feet long; and the witnesses of this class testify uniformly not only to the lack of quantity in the rations, but to their bad quality, and to the fact that very often they were stopped altogether.

CONDITION OF THE HOSPITAL.

It is not proposed to enter as fully into the condition of the hospital as might be done from the reports and evidence before us; sufficient will be given, however, to warrant the conclusion that it was very little better than that of the stockade itself, and in view of the discrimination which the surgeons were directed to make in the admission of men from the stockade, into the hospital, we can readily understand why the prisoners almost uniformly bade their comrades farewell when they were taken from the stockade to the hospital. The evidence which I shall bring to your recollection will also justify the remark made by one of the surgeons, who says that it was really no hospital.

Here also we have recourse to the official report of Dr. Joseph Jones, in which

we find his remarks upon the condition of the hospital quite as lucid and elaborate as those in reference to the stockade.

After speaking of the stream running through one corner of the hospital stockade, and stating that its upper portion was used for washing by the patients, and the lower portion as a sink, he remarks:

This part of the stream is a semi-fluid mass of human excrement, and offal, and filth of all kinds. This immense cess-pool, fermenting beneath the hot sun, emitted an overpowering stench. * * * * North of the hospital grounds the stream which flows through the stockade pursues its sluggish and filthy course. The exhalations from the swamp, which is loaded with the excrement of the prisoners confined in the stockade, exert their deleterious influences on the inmates of the hospital.

Within the hospital enclosure, less than five acres, he says:

The patients and attendants, near 2,000, are crowded, and are but poorly supplied with old and ragged tents; a large number are without any bunks in the tents, and lay upon the ground, oftentimes without even a blanket. No beds or straw appear to have been furnished.

The tents extended to within a few yards of the small stream, which, as he before observed, was used as a privy, and loaded with excrement.

I observed (he says) a large pile of corn-bread, bones, and filth of all kinds, 30 feet in diameter and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over everything and covered the faces of the sleeping patients, crawled down their open mouths, and deposited their maggots upon the gangrenous wounds of the living and the mouths of the dead.

Mosquitos in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects that they resembled those suffering with a slight attack of the measles.

The police and hygiene of the hospital was defective in the extreme. (Record, pp. 4350–'51; manuscript, p. 1721.)

Again:

Many of the sick were literally incrusted with dirt and filth, and covered with vermin. When a gangrene wound needed washing the limb was thrust out a little from the blanket, or board, or rags upon which the patient was lying, and water poured over it, and all the putrescent matter allowed to soak into the ground floor of the tent. * * *

I saw the most filthy rags, which had been applied several times and imperfectly washed, used in dressing recent wounds.

Where hospital gangrene was prevailing it was impossible for any wounds to escape contagion under the circumstances. (Record, p. 4354.)

Of the treatment of the dead he says:

The manner of disposing of the dead is also calculated to depress the already despondent spirits of these men. * * * The dead-house is merely a frame, covered with old tent cloth and a few brushes, situated in the southwestern corner of the hospital grounds. When a patient dies he is simply laid in the narrow street in front of his tent, until he is removed by the federal negroes detailed to carry off the dead. If the patient die during the night, he lies there until morning; and during the day the dead were frequently allowed to remain for hours in these walks. In the dead-house the corpses lay on the bare ground, and were in most cases covered with filth and vermin. (Record, p. 4355; manuscript, p. 1721.)

Further on he says:

The cooking arrangements are of the most defective character. Two large iron pots, similar to those used for boiling sugar-cane, appeared to be the only cooking utensils furnished by the hospital for the cooking of near 2,000 men, and the patients were dependent in a great measure on their own miserable utensils. * * * *

The air of the tents was foul and disagreeable in the extreme, and in fact the entire grounds emitted a most noxious and disgusting smell. I entered nearly all the tents and carefully examined the cases of interest, especially the cases of gangrene, during the prosecution of my pathological inquiries at Andersonville, and therefore enjoyed every opportunity to judge correctly of the hygiene and police of the hospital. (Record, p. 4357; manuscript, p. 1721.)

To show that this frightful condition of affairs did not cease after a great portion of the prisoners were removed, Dr. Jones observes:

The ratio of mortality continued to increase during September, for, notwithstanding the removal of half the entire number of prisoners during the early portion of the month, 1,757 deaths were registered from September 1st to the 21st, and the largest number of deaths upon any one day occurred during this month, on the 16th, viz., 119.

Afterwards, remarking upon the causes of the great mortality among the federal prisoners, he says:

The chief causes of death were scurvy and its results, bowel affections, and chronic and acute diarrhœa, and dysentery. The bowel affections appear to have been due to the diet and habits of the patients; the depressed, dejected state of the nervous system and moral and intellectual powers and to the effluvia arising from decomposed animal and vegetable filth. (Record, p. 4372; manuscript, p. 1721.)

He also says:

Almost every amputation was followed finally by death, either from the effects of gangrene, or from the prevailing diarrhœa and dysentery. * * * *

So far as my observation extended, very few of the cases of amputation for gangrene recovered. (Record, p. 4378; manuscript, p. 1721.)

The evidence of Dr. John C. Bates is important, as showing the condition of the hospital. He was a rebel surgeon on duty at Andersonville from the middle of September, 1864, to the last of March, 1865, embracing a period when it is claimed the sufferings were much lighter than they had been. This, we have already seen by Dr. Jones's report, was not true, even after those of the prisoners had been sent away, and we shall see from the testimony of Dr. Bates that it is wholly incorrect. He says:

Upon going to the ward to which I was assigned, I was shocked at the appearance of things. The men were lying partially nude, and dying and lousy; a portion of them in the sand, and others upon boards which had been stuck upon little props, pretty well crowded; a majority of them in small tents. * * * * * * *

I would go to the other parts of the hospital when officer of the day; the men would gather around me, and ask for a bone. I would give them whatever I could find at my disposition without robbing others. I well knew that an appropriation of one ration took it from the general issue; that when I appropriated an extra ration to one man, some one else would fall *minus*. I then fell back upon the distribution of bones; they did not presume to ask me for meat at all. So far as rations are concerned, that is the way matters went along for some time after I went there. * * * * * * *

They could not be furnished with any clothing, except the clothing of the dead, which was generally appropriated to the living. There was a partial supply of fuel, but not sufficient to keep the men warm and prolong their existence.

As medical officer of the day, I made examinations beyond my own ward, and reported the condition. As a general thing the patients were destitute, filthy, and partly naked. The clamor all the while was for something to eat. (Record, p 125; manuscript, p. 28.)

Dr. G. G. Roy, whose testimony was before referred to, in speaking of the hospital, says:

I found it in a very deplorable condition. There was no comfort attached to it whatever. Many of the tents were badly worn, torn, and rotten, and of course permitted the water to leak through. The patients were not furnished with bunks or bedding, or bed-clothing, or anything of that kind. (Record, p. 480; manuscript, p. 192.)

He speaks, as did all the other medical officers on duty there, of the great dearth of medicines; but also concurs with most of them in the opinion that medicine was not so much needed as proper diet, and he confirms generally the description given by Dr. Jones.

On the 26th day of September, Dr. Amos Thornburg, assistant surgeon, in a report to Dr. Stevenson, the surgeon in charge, (see Ex. No. 30, manuscript, p. 989,) calls special attention to the very bad sanitary condition of the hospital. He reports, "that the patients are lying on the cold ground, without bedding or blankets; also, that we have a very scanty supply of medicines, and that the rations are not of the proper kind, and not issued in proper quantity."

On the 5th of September Dr. J. C. Pelot, in an official report directed to the chief of his division, (see Ex. No. 9; manuscript, p. 57,) says:

The tents are entirely destitute of either bunks, bedding, or straw, the patients being compelled to lie on the bare ground. I earnestly call your attention to the article of diet. The corn-bread received from the bakery, being made up without sifting, is wholly unfit for the use of the sick, and often, as within the last twenty-four hours, the inner portion is found to be perfectly raw. The meat received for the patients does not amount to over two ounces per day; and for the past three or four days no flour has been issued. The corn-bread cannot be eaten by many, for to do so would be to increase the diseases of the bowels, from which a large majority of them are suffering, and it is therefore thrown away. All these men

receive, by way of sustenance, is two ounces of boiled beef and half a pint of rice soup per day. Under these circumstances, all the skill that can be brought to bear upon their cases by the medical officers will avail nothing. We have but little more than indigenous barks and roots with which to treat the numerous forms of disease to which our attention is daily called. For the treatment of wounds, ulcers, and so forth, we have literally nothing except water. Our wards, some of them, are filled with gangrene, and we are compelled to fold our arms, and look quietly on its ravages, not even having stimulants to support the system under its depressing influence.

Similar testimony is given by Doctors Rice, Head, Flewellen, and others of the medical corps on duty at Andersonville. This picture of human suffering might be intensified and presented in different phases, if we were to resort to the testimony of soldiers on duty in the hospital, and those who were patients there; but nothing can add to the truthfulness of the facts stated, as we have shown in the official reports made at the time, and made for no other purpose than to call the attention of the proper officers to the facts. Hence, I do not deem it necessary to enlarge further on this branch of the subject.

THE CHARGE OF CONSPIRACY.

We come now to a consideration of the third branch of the subject. Having presented a faithful representation—faithful because the witnesses have given it—of the condition of the stockade and the hospital, we shall proceed to unfold the extent of the conspiracy, the purposes the conspirators, and the cruel and devilish means resorted to to accomplish their ends.

I confess to you, gentlemen, that I enter upon this branch of the argument with regret and reluctance. I confess that, to a greater or less extent, our nationality, and the good name we bear, are involved in the issue; but I do not fear to present to the world, on this account, this great conspiracy of treason, this confederation of traitors, though it shock the moral sentiment of the universe; for, however much we may deplore the fact that its head and front were Americans, once prominent in the councils of the nation, they have forfeited all rights, they have ceased in any way to represent the true spirit of Americanism; they are outlaws and criminals, and cannot by their crimes taint our fair escutcheon. It is the work of treason, the legitimate result of that sum of all villanies, and which, by many, very many, proofs during the past four years, has shown itself capable of this last one developed. When we remember that the men here charged, and those inculpated, but not named in the indictment, are some of them men who were at the head of the late rebellion, from its beginning to its close, and as such chiefs, sanctioned the brutal conduct of their soldiers as early as the first battle of Bull Run; who perpetrated unheard-of cruelties at Libby and Belle Isle; who encouraged the most atrocious propositions of retaliation in their congress; who sanctioned a guerilla mode of warfare; who instilled a system of steamboat burning and firing of cities; who employed a surgeon in their service to steal into our capital city infected clothing; who approved the criminal treatment of the captured prisoners at Fort Pillow, Fort Washington, and elsewhere; who were guilty of the basest treachery in sending paroled prisoners into the field; who planted torpedoes in the paths of our soldiers; who paid their emissaries for loading shell in the shape of coal, and intermixing them in the fuel of our steamers; who ordered an indiscriminate firing upon our transports and vessels and railroad trains, regardless of whom they contained; who organized and carried to a successful termination a most diabolical conspiracy to assassinate the President of the United States—when we remember these things of these men, may we not without hesitancy bring to light the conspiracy here charged?

Before entering, however, into a discussion of the evidence, let me present the law governing in cases of conspiracy. I quote from the very able argument of John A. Bingham, delivered for the prosecution in the trial of the conspirators

for the assassination of President Lincoln, whose law propositions and authorities given cannot be gainsaid:

If the conspiracy be established as laid, it results that whatever was said or done by either of the parties thereto, in the furtherance or execution of the common design, is the declaration or act of all the other parties to the conspiracy; and this, whether the other parties, at the time such words were uttered, or such acts done by their confederates, were present or absent.

The declared and accepted rule of law in cases of conspiracy is that—

"In prosecutions for conspiracy it is an established rule that where several persons are proved to have combined together for the same illegal purpose, any act done by one of the party, in pursuance of the original concerted plan, and in reference to the common object, is in the contemplation of law, as well as of sound reason, the act of the whole party; and therefore the proof of the act will be evidence against any of the others who were engaged in the same general conspiracy, without regard to the question whether the prisoner is proved to have been concerned in the particular transaction." (Phillips on Evidence, p. 210.)

The same rule obtains in cases of treason: "If several persons agree to levy war, some in one place and some in another, and one party do actually appear in arms, this is a levying of war by all, as well those who were not in arms as those who were, if it were done in pursuance of the original concert, for those who made the attempt were emboldened by the confidence inspired by the general concert, and therefore these particular acts are in justice imputable to all the rest." (1 East., Pleas of the Crown., p. 97; Roscoe, 84.)

In *ex parte* Bollman and Swartwout, 4 Cranch, 126, Marshal, Chief Justice, rules: "If war be actually levied, that is, if a body of men be actually assembled for the purpose of effecting, by force, a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors."

In United State *vs.* Cole *et al.*, 5 McLean, 601, Mr. Justice McLean says:

"A conspiracy is rarely, if ever, proved by positive testimony. When a crime of high magnitude is about to be perpetrated by a combination of individuals, they do not act openly, but covertly and secretly. The purpose formed is known only to those who enter into it; unless one of the original conspirators betray his companions, and give evidence against them, their guilt can only be proved by circumstantial evidence." * * *

It is said by some writers on evidence that such circumstances are stronger than positive proof. A witness swearing positively, it is said, may misapprehend the facts or swear falsely, but that circumstances cannot lie.

The common design is the essence of the charge, and this may be made to appear when the defendants steadily pursue the same object, whether acting separately or together, by common or different means, all leading to the same unlawful result. And where *prima facie* evidence has been given of a combination, the acts and confessions of one are evidence against all. * * * It is reasonable that where a body of men assume the attribute of individuality, whether for commercial business or the commission of a crime, the association should be bound by the acts of one of its members in carrying out the design.

It is a rule of the law, not to be overlooked in this connection, that the conspiracy or agreement of the parties, or some of them, to act in concert to accomplish the unlawful act charged, may be established either by direct evidence of a meeting or consultation for the illegal purpose charged, or more usually from the very nature of the case, by circumstantial evidence. (2d Starkie, 232.)

Lord Mansfield ruled that it was not necessary to prove the actual fact of a conspiracy, but that it might be collected from collateral circumstances. (Parsons's case, 1; W. Blackstone, 392.)

"If," says a great authority on the law of evidence, on a charge of conspiracy, "it appears that two persons by their acts are presuming the same object, and often by the same means, or one performing part of the act, and the other completing it, for the attainment of the same object, the jury may draw the conclusion there is a conspiracy; if a conspiracy be formed, and a person join in it afterwards, he is equally guilty with the original conspirators." (Roscoe, 415.)

The rule of the admissibility of the acts and declarations of any one of the conspirators, said or done in furtherance of the common design, applies in cases as well where only part of the conspirators are indicted and upon trial. Thus upon an indictment of murder, if it appear that others, together with the prisoner, conspired to commit the crime, the act of one, done in pursuance of that intention, will be evidence against the rest. (2d Starkie, 237.) They are alike guilty as principals. (Commonwealth *vs.* Knapp, 9 Pickering; 496; 10 Pickering, 477; 6 Term Reports, 528; 11 East., 584.)

Let us see what the evidences are of a common design to murder by starvation these hapless, helpless wretches. First, then, who are officers, high and low, civil and military, whom the evidence implicates in this great crime?

As I shall show you by the testimony, there are associated in this conspiracy, as directly implicated and as perpetrators, the prisoner at the bar, Brigadier

General John H. Winder, Surgeon Isaiah H. White, Surgeon R. R. Stevenson, Dr. Kerr, Captain R. B. Winder, Captain Reed, James H. Duncan, W. W. Turner, and Ben. Harris. Remote from the scene, but no less responsible than these named, nay, rather with a greater weight of guilt resting upon them, are the leader of the rebellion, his war minister, his surgeon general, his commissary and quartermaster general, his commissioner of exchange, and all others sufficiently high in authority to have prevented these atrocities, and to whom the knowledge of them was brought.

Chief among the conspirators and the actual participators in the crime, the immediate tool, first and last, of the rebel government, we shall see was General Winder.

It is proper, therefore, that we should know who he was, and the precise relations which he bore to the government which he represented. We learn from many sources that he had for a long time prior to the organization of the Andersonville prison been at the head of the military prisons in and around Richmond, holding also the position of provost marshal of that important centre of the rebellion.

We learn from the witness J. B. Jones (Record, p. 2531; manuscript, p. 1219) that his rule as provost marshal was almost a reign of terror; that his authority was so great he could arrest men indiscriminately even in distant States, and that he was constantly sustained and supported by Jefferson Davis and his confidential adviser and premier, Mr. Benjamin.

The witness Cashmeyer, (Record, p. 2840–'41; manuscript, p. 1221,) the confidential detective and constant companion of General Winder till the close of the rebellion, says:

> Their relations (those of Davis and Winder) were very friendly indeed, and very confidential; I often heard General Winder say so; I often saw him go there and come from there.

About the time that General Winder's reign of terror was at its climax, and there was great opposition felt and expressed towards him, both in and out of the rebel congress, a combined effort was made to have him relieved and sent away, Generals Bragg and Ransom being prominent in the movement. At this time Cashmeyer says:

> President Davis was his (Winder's) especial friend. When the order relieving General Winder came from the war department, he took it and went up to Mr. Davis; President Davis indorsed on it, as well as I can recollect, that it was entirely unnecessary and uncalled for.

Some time after this it was thought wise by the rebel authorities to organize the Andersonville prison, and the whole matter was placed in the hands of General Winder by the orders issued from the war department for the purpose. General Winder himself did not go to Andersonville till about the first of June, but he sent forward, as we learn from the testimony of Cashmeyer, (Record, p. 2842; manuscript, p. 1221,) of Spencer, (Record, p. 600; manuscript, p. 1056,) of Captain Wright, (Record, p. 790; manuscript, p. 1177,) and others, his son, Captain W. S. Winder of his staff, as his special executive officer, and as we learn from the testimony of Colonel Persons (Record, p. 613; manuscript, p. 250,) "with absolute discretion in the location of the prison." This was in the latter part of December, 1863.

Shortly after, another officer of General Winder, a nephew of his, Captain R. B. Winder, a quartermaster, arrived at Andersonville and assumed the duties of his office. Captain Wright, in speaking of him (Record, p. 2447; manuscript, p. 1177,) says:

> He told me that he had no orders to report to any quartermaster at all; that he reported directly to Richmond, and received his instructions from Richmond.

Subsequently in the month of March, 1864, General Winder sent still another of his staff officers, the prisoner at the bar, who, as we learn from his report,

made May 8th, (see Ex. No. 16; manuscript, p. 658,) was assigned to the command of the prison on the 27th of March.

Of him, Colonel Persons says, (Record, p. 602 and following; manuscript, p. 249:)

He came direct from Richmond, my understanding was, by order of General Winder; I saw an official order to that effect; I received a communication about the time Captain Wirz reached there from General Winder; it stated that Captain Wirz was an old prison officer, a very reliable man and capable of governing prisoners, and wound up by saying that I would give him command of the prison proper.

From the return of staff officers made by General Winder after he had himself arrived at Andersonville, and who he says were "acting under the orders of Brigadier General John H. Winder, commanding the post at Andersonville, Georgia, commanding the camps and stockade containing federal prisoners of war and the guard troops for the same, the prison for federal prisoners of war at Macon, Georgia," &c., &c., we find that Dr. Isaiah H. White, also on his staff, was assigned to duty at Andersonville, by orders of the war departmemt at Richmond, as chief surgeon in charge of the prison hospital; he arrived at Andersonville about the same time as the two Captains Winder.

This comprises the original corps of officers sent from Richmond to carry out the hellish purposes of the rebel government, and which, as we shall see as we advance, was most faithfully done by them. Can there be any doubt as to what the original purpose of the rebel government was? Let us go to the very origin of the prison.

Ambrose Spencer testifies (Record, pp. 2472–'74; manuscript, p. 1056,) as follows:

I saw Captain W. S. Winder: at the time he was laying out the prison. * * * I asked him if he was going to erect barracks or shelter of any kind; he replied that he was not, that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun at least; he made this reply, or something similar to it: *That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front.* These are very nearly his words, or equivalent to them.

How was this plan, thus emphatically avowed, carried out? The stockade was located across a stream which General Wilson of our army says (Record, p. 1839; manuscript, p. 822) "would not run more water than would supply for the purposes of an army a larger command than four or five thousand men, "a sluggish stream," as Dr. Jones calls it, which with the springs along its banks, sufficient probably to supply a regiment more, was the only water originally intended for the prisoners.

From the inside of the prison everything was taken which could in any way contribute to the comfort, convenience, or health of the prisoners, and was never replaced by shelter, neither during the burning heat of the summer, which Doctor Thornburgh, tells you was not much short of 150 degrees in the sun, nor the cold which followed in the winter, sufficiently severe, as is shown by several witnesses, to freeze and which did freeze many prisoners to death.

It will be remembered, too, that not 400 yards distant, below the site selected for the stockade, was a stream of water which General Wilson says was ample for any number of troops, a stream that could not have been exhausted, and which, after careful examination, as he says, was found to flow a volume of water equal to 15 feet by 5 feet, with a velocity of a mile an hour, (Record, p. 1876; manuscript, p. 822,) and which Colonel Persons says, (Record, p. 610; manuscript, p. 250,) it occurred to him (me) would have been a preferable place to the one where the prison was located," adding, "I suggested it to W. S. Winder, I believe; I recollect distinctly it was one of the Winders."

The mere location of the prison in the absence of other facts would not perhaps, of itself, convey a criminal intent; but when we remember what followed, and certain other facts which will be presented, it becomes a very important

link in the chain of evidence leading to the guilt of the parties alleged. It will be remembered that the immense bake-house, the only accommodation of that kind furnished for the prisoners until late in the year, was located so that all the filth and garbage, and offal of that place, which is described as itself almost as filthy as the stockade, passed directly through the prison.

This, it is testified to by many, could with equal convenience have been located elsewhere, and this was suggested to Captain R. B. Winder, the quartermaster, at the time of its erection. Immediately below the stockade, as appears from the evidence of Dr. Jones, Dr. Roy, and others, trees were felled in the stream and brush thrown into the swamp, so that the filth escaping from the prison, which ought to have been allowed to pass rapidly off, was here caught, spread over the surface and disseminated in the soil, till, as these medical gentlemen say, it became a prolific source of disease, and sent back into the prison a horrible stench.

These preparations of death did not cease here, but with incredible malice, or with recklessness equally criminal, the troops arriving at the post for the purposes of defence were encamped above the stockade and along the stream in such a manner that, as many witnesses testify, all the washings of the camps and overflowings of the sinks during storms swept into the stockade. Into this horrible pen were the prisoners of war ushered, and here were they confined in hopeless captivity. Here, too, for many months, with all these surroundings, and everything calculated to make it certain death for the sick, was the hospital retained; and not until after earnest protests from many officers, not until after frequent representations through official channels to the rebel government, through General Winder, who was still in Richmond, not until after, as we learn from the testimony of Colonel Persons, humanity impelled him to take the responsibility, was the hospital removed outside, and this he tells us (Record, p. 3059; manuscript, p. 1304,) was done in violation of General Winder's orders, and was tardily acquiesced in some weeks after by an order from Richmond.

About the time of this clamor for the removal of the hospital, considerations of humanity pleaded with equal fervor for an enlargement of the stockade. Prisoners had been sent forward, under orders from Richmond, with such rapidity and in such numbers that they could only be turned into this place like cattle, until at the time we speak of, within an enclosure of little more than twelve acres, excluding the swamp, unfit for occupation, and the dead-line space, the frightful number of over 18,000 were confined. Protest after protest went up through many sources to General Winder at Richmond. Colonel Persons says, (Record, p. 2061; manuscript, p. 1305:)

> We sent an objection to the authorities at Richmond, to General Winder, and urged him to hold up, and not ship any more prisoners there, but he paid no attention to it.

This seething mass of humanity, with scarcely room to stand upon, crying for help, the more conscientious officers of the post doing all in their power to alleviate their sufferings, the commanding officer notifying the rebel government what they must have known all the time, that the mortality was great, and must be still greater unless something should be done, Colonel Persons was aroused upon this subject, as he had been upon the matter of removing the hospital, and here again he took the responsibility, as he tells us, (Record, p. 621; manuscript, p. 258,) to order an enlargement of the stockade about one-third, which was done under the direction of Captain Wright by the prisoners themselves. Colonel Persons says (Record, p. 3063; manuscript, p. 1306) that when he saw they did not intend holding up, but continued to ship more prisoners, and saw that the prison was overcrowded, he directed the enlargement of the prison, and he says:

> After I had finished the extension, or, perhaps, after I had got it partly finished, orders came giving me permission to do it.

There can be no doubt that during all this time the precise condition of affairs at Andersonville was well understood at Richmond. General Winder, to whom

the entire business of organizing and conducting the prison was assigned, remained in Richmond as the representative of the prison at that place. He was in constant correspondence with the officers on duty at Andersonville, as is fully shown by what has just been stated. That he frequently conferred with the officers of the war department is not only reasonably inferable but is absolutely certain.

General Cobb, in his letter to the adjutant general of May 5, (see Ex. No. 15; manuscript, p. 649,) says:

I presume the character of the prison is well understood at Richmond, and therefore give no description of it.

The introduction of his letter, showing that his presumption was well founded, is as follows:

Under your order to inform myself of the condition of the prison at Andersonville, with the view of furnishing from the reserve corps the necessary guard for its protection and safety, &c.

Dr. Eldridge, in his report, forwarded to Richmond at the same time as General Cobb's, in speaking of the necessity of removing the hospital outside and endeavoring to meet the objections made at Richmond, says:

Such an enclosure as I should suggest—a plank fence ten feet high—would require but very few additional guards, as the guard appears to be the objection urged at Richmond to a separate enclosure.

On the 8th of May, 1864, the prisoner at the bar made a report to Major Turner, who, as an officer on duty pertaining to prisons, connected with the war department, (see Ex. No. 16; manuscript, p. 658,) in which the condition of affairs at Andersonville at that date was fully set forth. This report reached Richmond during the same month, and was submitted to the war department by General Winder, with the following indorsement:

Approved and respectfully forwarded. Captain Wirz has proven himself to be a diligent and efficient officer, whose superior in commanding prisons and incident duties I know not."

We all know, as officers of the army, that the furnishing of subsistence, of the material used by quartermasters, and of hospital supplies and medicine, was all done either through the chiefs of those several departments at Richmond, acting under the supervision of the secretary of war himself, or by virtue of the orders of these chiefs and of that secretary.

It is not credible that such an immense prison as that at Andersonville, used as a receptacle for prisoners from all parts of the south, was unknown to the Richmond government, and that the whole management, the subsistence of the prisoners, their comfort, their safety, everything was left in the hands of this heretofore obscure man, now on trial. But it is said that during these straitened times the prisoner and the other officers charged were doing all in their power to alleviate the sufferings, so well known at Richmond and at Andersonville.

Without stopping now to inquire what could have been done, and what is shown by a cloud of witnesses to have been in their power, notice a moment what *was* done, and whether or not it was in furtherance of the conspiracy. Captain R. B. Winder, as we learn from Captain Wright's testimony, (Record, p. 2747; manuscript, p. 1177,) came to Andersonville untrammelled by any orders, reported to no one, but received his instructions from the quartermaster general. He told Captain Wright that "all the quartermasters had been ordered by the quartermaster general to furnish him what supplies he needed to fill his requisitions."

With powers thus ample he erected a few scanty, miserable sheds at one end of the stockade, which were then used as a hospital, and were not sufficient for the sick; he built a cook-house which was a prolific source of suffering and death, and which was not of sufficient capacity to prepare rations for more than 5,000 men properly. He built a hospital enclosure with some sheds within it, covered but not sided; he furnished the prisoners with wood for cooking purposes, as we learn, at the rate of three cord sticks to a squad of ninety; he managed to

transfer to his private till a large amount of money sent him by his government, as intimated in the testimony of Captain Wright; he folded his arms while Colonel Persons enlarged the stockade and removed the hospital, work which belonged exclusively to him; he did this, omitting to do many things that were not only in his power, but which it was his duty to do, leaving the post finally in the latter part of the summer, taking away nearly everything, as Captain Wright says, (Record, p. 2749; manuscript, p. 1178,) that pertained to his department. Not, however, until by his acts of omission and commission he had become answerable for the deaths of hundreds of these unfortunate prisoners.

Captain W. S. Winder remained true to his purpose, as declared to Mr. Spencer, and in more ways than one demonstrated how true was his declaration:

I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front.

Dr. Isaiah H. White, an important adjunct to this scheme, and indispensable to its faithful execution, was at the head of the hospital, whence he reported to his superior officers at Richmond, from time to time, the dreadful and increasing mortality.

The prisoner now before you, despite all his pretended protests at the time, despite the individual and widely separated instances of humanity which have been paraded here, remained, as he truly said in his letter to Major General Wilson, which was the first item of evidence introduced in this trial, "the tool in the hands of his (my) superiors." (See Ex. No. 1; manuscript, p. 1.) He had introduced himself to the prisoners by stopping their rations the first day he was on duty; he had instituted, between that time and the time of General Winder's arrival, a system of the most cruel and inhuman punishments; he had made his name a terror among the prisoners, and his society a reproach to his comrades upon whom he inflicted it; he had established the dead-line and all its accompanying horrors; he had given the prisoners a foreshadowing of the stocks, of the balls and chains, of the chain-gang, of starvation as a punishment, and all that black catalogue of cruelty and suffering unknown even to a "Draconian code;" he had declared to several of the prisoners engaged in the burial of the dead, "This is the way I give the Yankees the land they came to fight for;" he had scores of times told the prisoners, when maltreating them, that he intended to starve them to death; he had boasted that "he was doing more for the confederacy than any general in the field;" he had paraded the chain-gang for the amusement of his wife and daughters; he had with drawn pistol told a prisoner who dared to complain of the rations, "Damn you, I'll give you bullets for bread." Are you not prepared then to believe that at the time of General Winder's arrival the prisoner was in the execution of the common design, with a knowledge of its object, and acting in harmony with its chief instrument, General Winder?

This is Andersonville in part, the sufferings of our prisoners in part, and something of the evidence of the conspiracy begun and continued up to the time of General Winder's arrival.

We shall see now whether the law governing this question, after a recital of the facts which follow, does not direct you to find a verdict of guilty.

You will remember that when Colonel Persons was on the stand, he told you that, assuming to do what the law and the army regulations made it the duty of the quartermaster to do, and which in this case Captain Winder had wholly neglected to do, he sent to the different saw-mills along the line of the railroad for lumber, moved, as he tells you, by a feeling of humanity and a desire to alleviate, in some way, the sufferings of the prisoners. He says, (Record, p. 608; manuscript, p. 252:)

I had concentrated there, I suppose, about five or six train loads of lumber; I suppose nearly 50 car loads.

I quote further from the record the following:

Q. Were you permitted to erect a shelter?
A. I was in the act of doing so, was just carrying the lumber, when I was relieved.
Q. By whom?
A. By General Winder.
Q. Had he arrived on the same day?
A. He arrived there about that time.
Q. Was your plan carried out?
A. I went into the stockade several times after I was relieved from duty and I saw no shelter there. I saw 40 or 50 houses springing up outside of the grounds. The lumber disappeared in that way.

At this time, the journal of the prison shows there were over 19,000 prisoners in the stockade. This was the first official act of General Winder on his arrival. It was the third time Colonel Persons had given mortal offence, and he was not longer to be tolerated. What could more strongly present the unmitigated diabolism of that friend of President Davis, that man upon the order relieving whom the rebel chief wrote: "It is entirely unnecessary and uncalled for?" This was the man who found a ready advocate in the rebel premier, Mr. Benjamin, and who was not only sustained from first to last by his chief, but was rewarded for official conduct that will place his name amongst those of the most infamous of any age or clime.

General Winder's second act was to establish himself comfortably and at a respectful distance from the prison, where he remained from the first of June until early in the fall. Notice now, as we advance, how the sufferings of this prison increased; how everything from which torture and death could result was resorted to; how all those methods of inhuman punishment instituted by the prisoner were approved and sanctioned by General Winder, and that, during the whole period of his command, not a single act is recorded which does not prove him to have been not only "a brutal man," as Mr. Spencer says he was, but that he was the chief instrument in the hands of a wicked, treasonable conspiracy to murder the prisoners of war in his custody. He came there with authority unlimited, with discretion to do whatever circumstances required to carry out the purposes of his command. In an appeal published by him to the citizens of the surrounding counties, (see Ex. No. 27; manuscript, p. 707,) he calls for "2,000 negroes properly supplied with axes, spades, and picks, and supported by the requisite number of wagons and teams," for the purpose of rendering more hopeless the imprisonment of our soldiers, holding over the people of that vicinity the terrors of impressment, which, in this appeal, he claims to have authority to make; yet, with all this power, with all these appliances at hand, and within reach of his call, not a single shelter did he ever erect; not a ditch did he dig to drain that horrible cesspool below the stockade, and within it; not a tithe of the wood absolutely necessary did he cause to be taken into the stockade; not once did he visit that place over which he had supreme control; not a well did he cause to be digged within it; not an order did he issue to abate one jot or tittle of the frightful rigors of that prison pen; not a kindly or humane sentiment is he shown during that whole time to have uttered towards these prisoners in his custody. On the contrary, he scattered to the four winds, as we have seen, that immense pile of lumber accumulated by Colonel Persons for the purpose of erecting shelter in the stockade; he approved all that had been done by his subordinate, the prisoner, even recommending him for promotion; he legalized the detail of Turner, who was a confederate soldier, to take command of a pack of hounds to run down prisoners, and afterwards permanently detached him from his regiment for that purpose; he authorized and ordered the hanging of six prisoners of war within the stockade, which, by all the laws of war, was no more nor less than murder, so far as he was concerned; he brutally refused the philanthropic ladies of Americus twice in their attempts to render assistance to the sick at the hospital, even intimating on one of those occasions, to those ladies

of the highest respectability, that a repetition of their humane efforts would bring upon themselves a punishment too infamous to be named.

Is it still contended that there was no conspiracy; that these things evinced no common design to destroy; that of all these things the Richmond government were in blissful ignorance? Let us see. On the 21st of July, 1864, General Winder addressed a letter to the war department at Richmond, (see Ex. No. 17; manuscript, p. 662,) dated Andersonville, in which he uses the following language before quoted:

> You speak in your indorsement of placing the prisoners properly. I do not exactly comprehend what is intended by it; I know but of *one* way to place them, and that is, to put them into the stockade, where they have between four and five square yards to the man.

Is it possible that he did not comprehend what was intended by the war department? Can it be that he knew of but *one* way to place those prisoners properly?

His government did not dare to speak more definitely, nor was it necessary, to such a man as General Winder, occupying the position he did, and with the letter of Robert Ould in his private desk, written as early as March, 1863—a private letter to himself and indorsed by his own hand. The *one* way was the way given in his original instructions; it was the way understood by W. S. Winder, when he said it was the intention to kill more Yankees at Andersonville than they did at the front; it was the way meant, and well understood by General Winder, when he said to Mr. Spencer that, for his own part, he would as lief the damned Yankees would die there as anywhere else; that, upon the whole, he did not know that it was not better for them, (Record, p. 2467; manuscript, p. 1054,) and which he afterwards disclosed to Colonel Chandler in the remark:

> It is better to leave them in their present condition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation.

It was the way well understood by the rebel government, when, in the face of the protests of humane officers, and in the face of the official reports of the mortality of that place, they continued to forward prisoners, train-load after train-load, to an already over-crowded prison. It was the way dictated to the agent of that government, Robert Ould, and revealed by him in his letter to Winder, (see exhibit No. —; manuscript, p. 1920,) when he declares, speaking of exchanges: "The arrangement I have made works largely in our favor. We get rid of a set of miserable wretches, and receive in return some of the best material I ever saw;" adding, "This, of course, is between ourselves."

It was the way understood perfectly by General Howell Cobb, when, in a speech at Andersonville, he pointed with terrible significance to the grave-yard, remarking: "That is the way I would care for them."

It was the way well understood by the prisoner at the bar, who is shown to have uttered sentiments similar to those expressed by W. S. Winder on more than a hundred occasions. It was the way, and the only way, ever indicated by the chief of the rebel government and his secretary of war, else why did he, with this frightful picture before him, deliberately fold General Winder's letter, indorsing it "Noted filed.—J. A. S."

Let us advance another step in the evidence connecting the Richmond government with these atrocities. Colonel D. T. Chandler, of the rebel war department, pursuant to an order of his chief, of July 25, 1864, directing him to make an inspection at Andersonville, and other places in the confederacy, submitted a report dated Andersonville, August 5, 1864, and which reached the war department August 17, 1864. This officer, from whose report we have already quoted, gives a graphic description of the sufferings of the prisoners of war, and in earnest terms beseeches his government that no more be sent forward to that place, and that immediate steps be taken to relieve the sufferings of those prisoners already there; making many practical suggestions for their comfort which he thought

could be readily carried out. In a supplemental report, also dated August 5th, and which was received in Richmond with the report first named, he says:

My duty requires me respectfully to recommend a change in the officer in command of the post, Brigadier General John H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feelings of humanity and consideration for the welfare and comfort, as far as is consistent with their safe-keeping, of the vast number of unfortunates placed under his control; some one who, at least, will not advocate *deliberately*, and in cold blood, the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation, and who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade—a place the horrors of which it is difficult to describe, and which is a disgrace to civilization—the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

In his examination touching this report, Colonel Chandler says:

I noticed that General Winder seemed very indifferent to the welfare of the prisoners, indisposed to do anything, or to do as much as I thought he ought to do, to alleviate their sufferings. I remonstrated with him as well as I could, and he used that language which I reported to the department with reference to it—the language stated in the report. When I spoke of the great mortality existing among the prisoners, and pointed out to him that the sickly season was coming on, and that it must necessarily increase unless something was done for their relief—the swamp, for instance, drained, proper food furnished, and in better quantity, and other sanitary suggestions which I made to him—he replied to me that he thought it was better to see half of them die than to take care of the men.

And to show that he cannot be mistaken in what he avers, Colonel Chandler speaks of Major Hall, his assistant, having first reported to him similar language used by General Winder to him, and remarks:

I told Major Hall that I thought it incredible, that he must be mistaken. He told me no, that he had not only said it once, but twice; and, as I have stated, he subsequently made use of this expression to me.

Let us now see what the rebel government had to do with this report. As I before remarked, it reached Richmond on the 17th day of August. Immediately on its reception, as we learn from Captain C. M. Selph, of the rebel war department, it was carefully briefed, and extracts made and sent to the heads of the different bureaus, the commissary general and the quartermaster general; a report of Dr. White's, an enclosure of Colonel Chandler's report, being sent to the surgeon general. The entire report was then laid before the secretary of war, Mr. Seddon, and there cannot be a shadow of doubt that it was immediately, and fully, and seriously considered; nor can there be any doubt that Mr. Davis and his war minister conferred together with regard to this momentous subject.

Captain Selph, speaking of a conversation between himself and Colonel Woods, a staff officer of Jefferson Davis, in regard to the prison at Andersonville, says:

During that conversation I obtained the impression that President Davis had some knowledge of it. (Record, p. 1161; manuscript, p. 659.)

"This," he says again, "was subsequent to the receipt of Colonel Chandler's report."

To the question—

Would a paper of this kind, on a subject of this magnitude, find its way to the president of the so-called confederate States in the ordinary course of proceedings?—

He answers,

Yes, sir; I think it would.

It will not do to say that this report was buried among the multitude of papers that arrived daily in the war office, or that lay upon Mr. Seddon's table with piles of other papers unnoticed. Mr. J. B. Jones, private secretary to Mr. Seddon, says (Record, p. 2836; munuscript, p. 1218,) that he remembers when the report was received, but only read the headings enough to see the purport of it; and adds that he thinks it was sent for by the secretary of war.

Mr. R T. H. Kean, chief of the bureau of war, says that he saw it lying on the secretary's table. He also speaks of a conversation between himself and the

assistant secretary of war, Judge Campbell, in which the report was spoken of, and in which Judge Campbell, speaking of the fearful mortality, remarked, "This looks very bad."

Captain Selph also testifies that the report excited general comment in the department.

But we are not left with this evidence alone. This report was not sent in like ordinary inspection reports, but special attention was drawn to it by three officials. On the day of its receipt, it was submitted to the secretary of war, as the following indorsement proves, beyond doubt:

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
August 18, 1864.

Respectfully submitted to the secretary of war. The condition of the prison at Andersonville *is a reproach to us as a nation.* The engineer and ordnance departments were applied to for implements, and authorized their issue, and I so telegraphed General Winder. Colonel Chandler's recommendations are coincided in.

By order of General Cooper:

R. H. CHILTON,
Assistant Adjutant and Inspector General.

The report passed through the hands of R. B. Welford, a confidential clerk employed in the war department for his legal abilities, who also made a brief analysis, strongly recommending Colonel Chilton, Mr. Welford's analysis being again indorsed, and the whole laid before the secretary by J. A. Campbell, assistant secretary of war, with the following indorsement:

These reports show a condition of things at Andersonville which calls very loudly for the interposition of the department in order that a change may be made.

J. A. CAMPBELL,
Assistant Secretary of War.

What more could have been needed, or what more done, to bring authoritatively and strongly before the proper authorities at Richmond the subject of the Andersonville sufferings? Here were an intelligent inspecting officer of high rank, Colonel Chandler, the chief of the inspector's bureau, Colonel Chilton, the chief of the bureau of war, Mr. Kean, a confidential clerk, Mr. Welford, and the assistant secretary of war, Judge Campbell, all pressing in the strongest terms the necessity of an immediate interposition by the department, and not hesitating to declare the prison at Andersonville "a reproach to them as a nation." These appeals might have moved hearts of stone, but addressed as they were to these representatives of a government based upon wrong and injustice, that had its origin in a treasonable conspiracy to overthrow the best government on the face of the earth, however much they may have moved the hearts of those representatives as individuals, they seem to have still felt it their duty to adhere to a purpose so cruelly and wickedly begun and thus far so faithfully carried out; and they dared not, or would not—for it is certain they did not—abandon, even then, this atrocious conspiracy. Mr Kean says he is not aware the report was ever acted upon. Captain Selph says the same, and we learn from his testimony that the report remained with the secretary, never having come back to the inspector general's department, where it properly belonged, till about the time Mr. Breckinridge succeeded Mr. Seddon—some time in 1865—when Colonel Chandler having returned and demanded that some action should be taken on the report or he would resign, it was brought to light and laid before Mr. Breckinridge, who would have acted upon it, as Captain Selph thinks, but for the rapid change of affairs in the confederacy, and the dissolution of their government soon after.

And here let me diverge a moment and follow a portion of this remarkable report to the surgeon general's office. We find indorsed upon "Exhibit 24" (manuscript, p. 695) the following:

Surgeon White was authorized some time since to send his requisitions for supplies directly to the medical purveyor. Not having supplies is his own fault; he should have

anticipated the wants of the sick by timely requisitions. It is impossible to order medical officers in place of the contract physicians. They are not to be had at present.

S. P. MOORE, *Surgeon General.*

This is the flippant indorsement of the surgeon general, and the only evidence showing his notice of the condition of things at Andersonville, and this is all that he seems to have done in the matter, while Dr. White was allowed to remain in charge of the hospital, which, as described by the surgeons who were on duty with him, seems to have been little else than a dead-house—this Dr. White, whose recklessness, brutality, and crime are so closely interwoven with that of General Winder, the prisoner at the bar and his associate staff officers, that it is hard to discriminate between the cruelty of the one and that of the others.

It is strange, truly, that the surgeon general passed over the matter with so slight a notice of it, when we remember that, several weeks previously, it is shown that he had the whole matter before his office and took action upon it, which makes him no less culpable than the others we have mentioned. He had called into his counsels an eminent medical gentlemen, of high attainments in his profession, and of loyalty to the rebel government unquestionable. Amid all the details in this terrible tragedy, there seems to me none more heartless, wanton and utterly devoid of humanity, than that revealed by the surgeon general, to which I am about to refer. I quote now from the report of the same Dr. Joseph Jones, which, he says, (Record, p. 4384; manuscript, p. 1721,) was made in the interest of the confederate government for the use of the medical department, in the view that no eye would ever see it but that of the surgeon general.

After a brief introduction to his report, and to show under what authority it was made, he quotes a letter from the surgeon general dated "Surgeon General's Office, Richmond, Virginia, August 6, 1864." The letter is addressed to Surgeon I. H. White, in charge of the hospital for federal prisoners, Andersonville, Georgia, and is as follows:

SIR: The field of pathological investigation afforded by the large collection of federal prisoners in Georgia is of great extent and importance, and it is believed that results of value to the profession may be obtained by careful examination of the effect of disease upon a body of men subjected to a decided change of climate and the circumstances peculiar to prison life. The surgeon in charge of the hospital for federal prisoners, together with his assistants, will afford every facility to Surgeon Joseph Jones in the prosecution of the labors ordered by the surgeon general. The medical officers will assist in the performance of such post mortems as Dr. Jones may indicate, in order that this great field for pathological investigation may be explored for the benefit of the medical department of the confederate armies.

S. P. MOORE, *Surgeon General.*

Pursuant to his orders, Dr. Jones, as he tells us, proceeded to Andersonville, and on September 17 received the following pass:

ANDERSONVILLE, *September* 17, 1864.

CAPTAIN: You will permit Surgeon Joseph Jones, who has orders from the surgeon general, to visit the sick within the stockade that are under my medical treatment. Surgeon Jones is ordered to *make certain investigations which may prove useful to his profession.*

By order of General Winder:

Very respectfully,

W. S. WINDER, *A. A. G.*

Captain H. WIRZ, *Commanding Prison.*

When we remember that the surgeon general had been apprised of the wants of that prison, and that he had overlooked the real necessities of the prison, shifting the responsibility upon Dr. White, whom he must have known was totally incompetent, it is hard to conceive with what devilish malice, or criminal devotion to his profession, or reckless disregard of the high duties imposed upon him—I scarcely know which—he could sit down and deliberately pen such a letter of instructions as that given to Dr. Jones.

Was it not enough to have cruelly starved and murdered our soldiers? Was it not enough to have sought to wipe out their very memories by burying them

in nameless graves? Was it not enough to have instituted a system of medical treatment the very embodiment of charlatanism? Was not this enough, without adding to the many other diabolical motives which must have governed the perpetrators of these acts, this scientific object, as deliberate and coldblooded as one can conceive? The surgeon general could quiet his conscience, when the matter was laid before him through Colonel Chandler, by indorsing that it was impossible to send medical officers to take the place of the contract physicians on duty at Andersonville. Yet he could select, at the same time, a distinguished gentleman of the medical profession and send him to Andersonville, directing the whole force of surgeons there to render him every assistance, leaving their multiplied duties for that purpose! Why? Not to alleviate the sufferings of the prisoners; not to convey to them one ounce more of nutritious food; to make no suggestions for the improvement of their sanitary condition; for no purpose of the kind; but, as the letter of instructions itself shows, for no other purpose than "that this great field for pathological investigation may be explored for the benefit of the *medical department* of the confederate armies." The Andersonville prison, so far as the surgeon general is concerned, was a mere dissecting room, a clinic institute to be made tributary to the medical department of the confederate armies. But let me return from this digression. One can hardly believe all these things of a government pretending to struggle for a place among civilized nations, yet horrible as it seems, the facts cannot be resisted. Do I injustice to the leaders of the rebellion? Have I drawn inferences that are unwarrantable? Is it indeed true that these men, high in authority, are not responsible? I think not; motives are presumed from actions, and actions speak louder than words. What was the action of Jeff Davis and his war minister upon these reports? The papers were pigeon-holed in the secretary's office, not even being dignified by being placed upon the regular files in the proper office, while General Winder, the chief accomplice, instead of being removed immediately, and broken of his commission, and tried for violation of the laws of war—for cruelty, inhumanity, and murder, instead of being held up by that government as a warning to others, giving a color of justice to their cause, was promoted, rewarded, and given a command of wider scope and greater power, but still in a position to carry out the purposes of his government towards prisoners of war. History is full of examples similar in character, where a government, seeking to carry out its ends, has selected as tools men not unlike General Winder, and history, faithful in the narration of the facts, is faithful also in fixing upon the government who employed such persons, and sustained and rewarded them, the responsibility for the acts of their agents. James II had his Jeffries; Philip II his Duke of Alva; Louis XIV his Duke de Louvais; the Emperor of Austria his Haynau; and *Jefferson Davis his Winder.* The closest scrutiny of the immense record of this trial will show that, up to the very close of that prison, there were no steps taken by the rebel government, by General Winder, or by any of the officers of his staff clothed with proper authority, to alleviate in any material particular the great sufferings of that place. You will remember the uniform testimony of the medical officers, as well as of the prisoners who remained there during the winter of 1864 and 1865, that there was no perceptible change in the condition of the prison, and an examination of the hospital register, and the death register, will show that the mortality was even greater during that period, in proportion to the number of prisoners confined, than it was during the months of its most crowded condition. From the prison journal, kept by the prisoner himself, we find that in September, the mean number of prisoners being 17,000, the deaths were 2,700; in October, the mean strength being about 6,700, the number of deaths was 1,560—nearly one out of every five; in November, the mean strength being 2,300, the deaths were 485; while those who remained to the very close, till the prison was broken up, are described by General Wilson and others as having

been "mere skeletons," "shadows of men." Nor must it be forgotten that the marks of this cruelty were so indelibly stamped upon its victims that thousands who survived are yet cripples, and will carry to their graves the evidence of the horrible treatment to which they were subjected. The surgeons of our army who treated those shadows of men when they arrived within our lines at Jacksonville and Hilton Head tell you of hundreds who died before they could be resuscitated; of others permanently disabled; of others who, upon their partial recovery, were started on their way homeward, being again treated at Annapolis. Dr. Vanderkieft, of our army, speaks of the condition of those prisoners while under his treatment at that place. He says:

> They were reduced, suffering from chronic diarrhœa and scurvy; some of them in a dying condition; some of them died a few days after they arrived; and those who did recover were obliged to remain a long time in hospital before they were able to return to their homes. (Record, p. 505; manuscript, p. 207.)

And with that certainty with which science reasons from effect to cause oftentimes, after describing the condition of the men as it has been brought out in this testimony, he concludes, "The symptoms and condition of the patients presented cases of starvation." Nor must it be forgotten, in the summing up of the cumulative proofs of the Andersonville horrors, that numerous photographs of returned prisoners were introduced here, and identified by Doctors Vanderkieft, Balser and others, as representing cases no worse than hundreds and thousands they had seen. So impressive indeed, and so strong seemed this evidence of rebel cruelty, that the counsel for the prisoner sought, in his cross-examination, to show that they were fancy sketches. Are we told that these things are improbable, and cannot be believed, because it is said that Mr. Davis is a *good man*, not capable of such cruelty? Are we told that no direct order of his is shown, and therefore, notwithstanding all these facts and circumstances narrated, he must be acquitted of all blame? The law governing cases of conspiracy does not require us to show a direct order; circumstances; from which guilt may be inferred are sufficient. The rebel chief did not find it necessary to issue direct instructions, nor indeed could it reasonably be expected. He was too wary, too sagacious for that. Michelet relates an anecdote of Louis XV, not malapropos:

> The illustrious Quesney, physician to Louis XV, who lived in the house of the latter at Versailles, saw the king one day rush in suddenly, and felt alarmed. Madame D. Haussett, the witty femme de chambre, inquired of him why he seemed so uneasy. "Madame," returned he, "whenever I see the king, I say to myself, there is a man who can cut my head off." "Oh!" said she, "he is too good."

The lady's maid thus summed up in one word the guarantees of monarchy. The king was too good to cut the man's head off; "that was no longer agreeable to custom; but he could with one word send him to the Bastile, and there *forget* him. It remains to be seen whether it is better to perish with one blow, or suffer a lingering death for thirty or forty years." Mr. Davis was not capable of being the instrument of death. He was *too good* to be keeper of a prison, and withold from starving men their scanty rations; but he could send them out of his sight, away from the prison in plain view of his own residence, into the dense forests of Georgia, and there forget them. If Jefferson Davis be ever brought to trial for his many crimes—and may Heaven spare the temple of justice if he be not—it will not do for him to upbraid and accuse his willing tools, Winder and Wirz, as King John did Hubert for the death of Prince Authur; they will turn upon him and say, "Here is your hand and seal for all I did." And in the winking of authority, did we understand a law.

THE LAW OF NATIONS.

Before advancing further in the argument, let us define briefly the laws of war, which, it is alleged by the government in its indictment against this prisoner and his co-conspirators, have been inhumanly and atrociously violated. One would suppose that an enlightened conscience need not consult the opinions

of writers upon law or ethics to determine the violation of rules governing civilized warfare with sufficient certainty to condemn the treatment of prisoners at Andersonville; yet, as the averment is traversed by the prisoner, and it is insisted that no violation of the humane principles governing nations in war is shown, I must trespass upon the court a moment before proceeding. In the forum of nations there is a higher law, a law paramount to any rule of action prescribed by either of them, and which cannot be abrogated or nullified by either. Whatever the peculiar forms or rights of this or that government, its subjects acquire no control or power other than is sanctioned by the great tribunal of nations. We turn then to the code international, where the purest morals, the highest sense of justice, the most exalted principles of ethics, are the corner-stones, that we may learn to be guided in our duties to this prisoner.

Grotius derived the *jus gentium* from the practice of nations, and living in an age when the greatest cruelties were practiced in the operations of warfare, his rules as laid down often seem to have been the inspiration of barbarity itself, rather than laws which should govern nations yet even he, in Books 3 and 4; insists that all acts of violence which have no tendency to obtain justice or terminate the war are at variance both with the duty of the Christian and with humanity itself.

Manning, an author of great force and clearness, says, (p. 164 :)

At the present day a mild and humane treatment exists with regard to prisoners of war, which is perhaps in some degree attributable to the deference paid to the writings of Vattel who appeared to have been the first author who established the true principle upon which prisoners should be treated. He says that, "as soon as your enemy has laid down his arms and surrendered his person, you have no longer any right over his life unless he should give you such right by some new attempt, or had before committed against you a crime deserving death." "Prisoners of war," he says, "may be secured but cannot be made slaves unless for personal guilt which deserves death, nor be slain unless we be perfectly assured that our safety demands such a sacrifice."

After having discussed at some length this subject, he sums up the whole question thus, (p. 165:)

It may be remarked in conclusion that the same principles which have been appealed to in the preceding chapter afford also a clue to the right treatment of prisoners of war. The usages of former ages proceeded upon the supposition that any violence was allowed in warfare and that the rights of the victor upon the vanquished were unlimited, and that having the right to deprive his antagonist of life, the captor had a right to impose any treatment more lenient than death upon his prisoner. But we have seen that so far from the rights of the belligerent being unlimited, the law of nature strictly limits them to such violence as is necessary, that thus, when an antagonist no longer resists, there can no longer be any right to use violence towards him; and that whenever the purposes of warfare are not frustrated by the granting of quarter, the belligerent cannot refuse to give quarter without a direct violation of the law of nature, which warrants no further hardships towards prisoners than is required by the purposes of safe custody and security.

Another author remarks:

Prisoners of war are indeed sometimes killed, but this is no otherwise justifiable than it is made necessary either by themselves, if they make use of force against those who have taken them, or by others who make use of force in their behalf and render it impossible to keep them; and as we may collect from the reason of the thing, so it likewise appears from common opinion, that nothing but the strongest necessity will justify such an act, for the civilized and thinking part of mankind will hardly be pursuaded not to condemn it till they see the absolute necessity of it. (Rutherforth's Institutes, page 525.)

Kent, in speaking of the barbarous usages of war, checked and done away with by the progress of civilization, says: "Public opinion, as it becomes enlightened and refined, condemns all cruelty and all wanton destruction of life and property as equally useless and injurious, and it controls the violence of war by the energy and severity of its reproaches." "Grotious" he says, "even in opposition to many of his own authorities and under a due sense of the obligations of religion and humanity, placed bounds to the ravages of war, and mentioned that many things were not fit and commendable, though they might be strictly lawful; and that the law of nature forbade what the law of nations (meaning thereby the practices of nations) tolerated." "Montesquieu"

he says, "insisted that the laws of war give no other power over a captive than to keep him safely, and that all unnecessary rigor is condemned by the reason and conscience of mankind." "Vattel," he says, "has entered largely into the subject, and he argues with great strength and reason and eloquence against all unnecessary cruelty, all base revenge, and all mean and perfidious warfare; and he recommends his benevolent doctrine by the precepts of exalted ethics and sound policy, and by illustrations drawn from some of the most pathetic and illustrious examples."

To the same effect writes Wheaton (p. 586, and Halleck, p. —.)

So strongly did the principles here laid down impress themselves upon our government, that during General Jackson's administration Mr. Livingston, then Secretary of State, instructed Mr. Buchanan, our minister in Russia, to insert, in the treaty proposed to be negotiated, stipulations "in order to restrain citizens or subjects of the one or the other of the high contracting parties respectively from infringing any of the known rules of modern warfare;" and among other things mentions:

For injuries offered to the bearers of flags of truce, for the massacre of prisoners who have surrendered, for the mutilation of the dead, for other breaches either of this treaty or of the laws of nations; for preserving peace or lessening the evils of war.

The object of this, Mr. Livingston said, was—

To express a national reprobation of the doctrine which considers a state of war as one of declared hostilities between every individual of the belligerent nations respectively.

* * * * * * * * *

To massacre an unresisting and unarmed enemy, to poison his provisions and water, to assassinate a prisoner, and other similar acts, are universally acknowledged to be breaches of international law, and to justify retaliation and an increase of the horrors of war. (Ex. Doc. No. 111, 1st sess. 33d Congress, H. R.)

It would seem that these teachings, so long recognized, so long practiced by civilized nations, ought to have found some advocate even among the councils of treason. Whatever the form of government may have been to which the leaders of the confederacy, so-called, aspired; whatever of wrong and injustice they sought to embody in their system; with whatever of oppression and tyranny they sought to grind down their subjects, the moment they asked a place among nations they were bound to recognize and obey those laws international which are and of necessity must be applicable alike to all. With what detestation, then, must civilized nations regard that government whose conduct has been such as characterized this pretended confederacy. An ordinary comprehension of natural right, the faintest desire to act on principles of common justice, would have dictated some humane action, would have extorted from some official a recognition of international rules of conduct. It was not retaliation, for they had the example of our government, in sending to their homes on parole whole armies that had been captured; it was not punishment, for these unfortunate prisoners had been taken in honorable battle; it was not ignorance of the law, for they had constantly with them all those great lights just quoted, and if these failed to convince, they could have found recorded back of these, "If thine enemy hunger, feed him," and still further back they might have found an example worthy of imitation, which I cannot refrain from here giving. A large number of Syrians had been by a cunning piece of strategy taken captive, and became prisoners of war, whereupon the following dialogue occurred:

And the King of Israel said unto Elisha, when he saw them, my father shall I smite them? Shall I smite them? And he answered, thou shalt not smite them; wouldst thou smite those whom thou hast taken captive with thy sword and with thy bow? Set bread and water before them, that they may eat and drink and go to their master. And he prepared great provision for them; and when they had eaten and drunk he sent them away and they went to their master. 2 Kings, chap. vii.

No, gentlemen, it was not retaliation, punishment, nor ignorance of the law; it was the intrinsic wickedness of a few desperate leaders, seconded by mercenary and heartless monsters, of whom the prisoner before you is a fair type.

CRUELTIES PRACTICED TOWARDS PRISONERS.

Thus far we have not pretended to enter with any particularity into the questions of the cruel treatment of prisoners. There may be two objects, or two reasons for, at this time, dwelling more in detail upon the conduct of the prisoner. These are, first to connect him more certainly with the conspiracy, and second, to enable us more understandingly to examine the second charge. Here, as at other points in the argument, I desire only to present the evidence, avoiding all embellishment and all augmentation, for this case must be decided upon the facts proven, and not the coloring of counsel.

I cannot hope to recapitulate all the facts bearing upon this point, as it will be remembered that each day's record bears witness to an accumulation of horrible details which there can be no necessity for now repeating, and to give all of which would require almost the entire proceedings to be duplicated. We may, however, perhaps to some purpose, present briefly the proofs of each phase of cruelty alleged.

STOPPING OF RATIONS.

It will be remembered that upon the first day of the arrival of the prisoner at Andersonville and of his taking charge of the prison, the rations of the whole camp were stopped for no other reason than to facilitate him completing the rolls and roster of the prisoners. The testimony on this point is so wide-spread, and comes from so many sources—from witnesses on the defence as well as from witnesses on the part of the government—that the fact cannot be denied. Nothing but the strongest necessity, after all other means had been exhausted, could justify a measure of this character, for no other purpose than that alleged in defence, merely to secure a correct account of the prisoners. An intelligent and humane mind can conceive of very many methods that would suggest themselves before a resort to such an extreme measure as this. There was an impassable stream, made so by the swamps bounding it, running through nearly the centre of the stockade. At that time there was only about 8000 prisoners in the stockade If it was merely the desire of the prisoner to correct his rolls, and not to inflict a cruel punishment upon the prisoners, many of whom were then reduced to mere skeletons by the deprivations and exposure to which they had been subjected at Belle island and in other prisons, what was there to prevent him from placing them all on one side of that stream and transporting them, counting them as they crossed the bridge to the other side? This is one of many simple means that could have been resorted to without depriving the prisoners of any part of their scanty rations. But as we advance in the testimony and follow this prisoner through the many succeeding months of torture inflicted by him, we cannot resist the conclusion that this was intended only as the beginning of greater sufferings and greater punishments. We find also, from the concurrent testimony of all the witnesses, both for the prosecution and the defence, that a rule was daily established and adherd to throughout, stopping the rations of a whole squad of 90, or a division of three nineties, whenever, upon the roll-call, it was discovered that any one man of that squad or division was absent and could not be accounted for. This occurred times too numerous to mention as we learn from the testimony of many witnesses. The same witnesses have also informed us that it was absolutely impossible, owing to the peculiar circumstances which were themselves the result of their treatment and the result of the common design to destroy, to prevent an unbroken number at roll call or give satisfactory excuse for the absence of particular prisoners.

We know that diarrhœa and dysentery prevailed to an alarming extent; that prisoners were compelled to go to the stream for the purpose of defecation; that often they would fall by the way or be compelled to remain at the sinks, or,

owing to their sickness and debility and the crowded state of the prison, would be totally unable to return to their quarters. This the sergeants could not and did not always know, or if they did, and gave it as an excuse, it was not received as satisfactory. The order of the prisoner in such cases was to stop the rations of the whole 90 as a punishment, thus imposing undeserved suffering, I will not say upon the innocent, because all were innocent, but upon the unoffending as well as upon those who were classed as offenders, but who were not such, because they were governed by an overpowering necessity. All the cases were most cruel and inhuman violations of the laws of war, so well defined, and in violation also of every principle of justice and humanity. You will remember that the rations of the whole stockade were stopped July 3d and 4th, for the alleged reason that information had been given of numerous prisoners intending about that time to "tunnel out of that horrible pen," the order being that no rations should be issued to the camp till the "culprits," as they were called, could be found and given up. Many of the witnesses told you they had been promised double rations on Independence Day, and they were expecting to celebrate the occasion. The 3d of July came and no rations; the 4th came and no rations; and instead of jollification and feasting, starvation and suffering were theirs; instead of a universal jubilee they were all compelled to turn spy and inform on their own comrades, who were doing no more than their duty required of them to their government, or submit to further torture of their prison-keeper. Who can know the consequences of such rigorous treatment? Who shall say that scores of these men, thus shut off from even their inadequate supplies, did not owe their deaths directly to the hands of this prisoner?

THE DEAD-LINE.

While treating of the rigors of prison life at Andersonville, let us here notice for a moment the establishment of the dead-line. Without stopping to dwell upon the fact that the strip twenty feet wide extending around the entire enclosure, needlessly taken from the area allotted to the prisoners, was of itself a cause of great suffering, as it necessarily deprived the prisoners of that much room, let us notice to what extent it was resorted to as a means of death to our soldiers.

The order was absolute and imperative, and came directly from the prisoner at the bar to his subalterns and the guards on duty at the stockade, that any prisoner of war crossing the dead-line should be shot.

I do not pretend to claim that the mere establishment of such a line, or the orders given with regard to it, of themselves constituted crime, or of themselves show any criminal intent, for we know as soldiers that lines are drawn around encampments beyond which soldiers are not allowed to pass; that there are picket lines to armies which cannot be penetrated except in violation of orders; that where, as in this case, a prison is overcrowded, some such measure may be necessary for the safety of the prisoners; but what we complain of, and what we insist was a barbarous violation of every principle governing in like cases, was the utter recklessness with which these orders were enforced—the shooting of prisoners who were not in any way attempting to escape, but who, by accident in that crowded place, might happen to be pushed upon that line, or who might reach under it for a piece of bread, or to regain any little articles of their own which they had accidentlly dropped, or who were attempting at the stream to reach under this line to obtain a cup of water, when all outside of it was reeking with impurity—that in cases of this kind, with the full knowledge and approval of the prisoner, and not only that, but by his direct orders, these hapless soldiers were fired upon.

It will be remembered that during the whole course of this trial no instance has been shown where a soldier confined in the Andersonville stockade was shot at the "dead-line" while making any attempt to escape; while the cases are

numerous—some of which will be hereafter noticed under charge second—where prisoners wholly unoffending were shot.

The law governing in cases of this kind is as well defined as the law upon any other point; and it will be seen upon an examination that nothing would justify a soldier on duty in shooting a prisoner under his charge, unless the prisoner was attempting to escape, or the guard had reasonable cause to believe that that was his purpose.

Every act of shooting which resulted in death, under the orders given in this instance, was murder on the part of the officer giving the order, and of the soldier executing it.

A case in point is given in Scott's Dictionary, (page 267:)

Ensign Maxwell was tried in 1807, before the High Court of Justiciary of Scotland, for the murder of Charles Cottier, a French prisoner of war, at Greenlow, by improperly ordering John Low, a sentinel, to fire into a room where Cottier and other prisoners were confined; and so causing him to be mortally wounded. Maxwell was in charge of 300 prisoners of war; the building in which they were confined was of no great strength and afforded some possibility of escape; to prevent which, the prisoners being turbulent, an order was given that all lights were to be put out at 9 o'clock; if not done at the second call, the guard would fire upon the prisoners, due notice having been given them. On the night in question there was a tumult in prison. Maxwell's attention being drawn to it, he observed a light burning beyond the appointed hour and twice ordered it to be put out; this order not being obeyed, he directed the sentry to fire, which he did, Cottier receiving a mortal wound. Maxwell was found guilty, with recommendation to mercy, and was sentenced to nine month's imprisonment.

It is laid down, * * a book of authority, that if a ship's sentinel shoot a man because he persists in approaching the side of the vessel when he has been ordered not to do so, it will be murder unless such an act be for the ship's safety. (Ibid, 268.)

The case of Rex *vs.* Thomas sustains this opinion.

The case of Maxwell is similar in many respects to instances of shooting on the dead-line given in evidence, and bears directly upon the guilt of the prisoner at the bar; the case of Rex versus Thomas bears directly upon the soldier in the reckless carrying out of the orders given with regard to the dead-line.

I would fail in my duty if I were not to notice, in this connection, a feature of this "dead-line" which has been indignantly denied by the counsel for the prisoner, but which is too strongly proved for us to resist belief; and that is the inducement held out to the guards by the promise of a furlough to every one who should shoot a Union prisoner at the "dead-line."

The evidence of this is both direct and circumstantial. Some of the witnesses heard the prisoner at the bar speak of it as a fact; I shall not repeat the language he used on those occasions, as it was profane and vulgar; others give the declarations of the guards at the time of shooting prisoners, which was properly admitted by the court as a part of the *res gestæ*; still others speak of its being the custom almost universally to relieve a guard soon after his having shot a prisoner; one of them, it will be remembered, speaks of the guard calling for the corporal immediately upon shooting a prisoner, and states that the corporal came, went away again, and in a few moments returned with a sentinel who relieved the one then on the post.

The rebel soldiers who were here as witnesses testify that although they never knew of a case where a furlough was granted for that cause, yet it was talked of among the troops at the post. An examination of the record will show that at least forty witnesses have testified to these facts, the name of whom it is hardly necessary to mention. When we remember the horrors of that place and the many modes of cruelty resorted to, the systematic starvation of prisoners, the recklessness of life and the absence of all humanity in the conduct of the prison, it is not difficult to believe even this to be true.

It is said for the defence by officers who were on duty at Andersonville

that they never knew or heard of a case where a soldier received a furlough for this cause.

This may be true, and the fact remain as claimed. The officers who testified were not the officers in all cases who granted furloughs; some of them were required to approve, but none of them had this matter of furloughs in their hands. They did not pretend to deny that such furloughs might have been granted without their knowledge; they did not pretend to deny that in cases of this kind the reasons for granting the furloughs would not be given upon paper; they did not pretend to deny that soldiers procured furloughs through the influence of the prisoner; indeed they said that under the organization of that prison, even officers of the rank of colonel, on duty with the troops, received their leaves of absence through the prisoner, who was himself but a captain.

This negative evidence—the only evidence presented by the defence—cannot explain away circumstances so plainly pointing to guilt.

May not the reward thus given explain to this court the fact that in no instance was a prisoner of war shot in the act of escaping or under circumstances justifying the sentinel in supposing that to be the intention of the prisoner shot; and may it not explain the criminal recklessness in this particular shown throughout the whole trial?

THE STOCKS.

There was another mode of punishment instituted at that prison and carried on under the direction of this prisoner which we must notice; and that is the stocks.

These implements of torture were of two kinds: in the one the prisoner was lashed to a wooden frame-work, his arms extended at right angles from his body, and his feet closely fastened; and in this condition, unable to move either hand or foot, he was compelled to stand erect, or, as was sometimes the case, to lie upon the ground with his face turned upwards, exposed to the heat of the sun and to the rain; in the other the prisoner's feet were fastened in a wooden frame, and so much elevated above the centre of gravity that it was difficult for him to sit, and he was therefore compelled to lie on his back with his face exposed to the sun.

This was a favorite mode of punishment with the prisoner. Witnesses have given very many harrowing and frightful pictures of its tortures. Martin E. Hogan tells us (p. 320; manuscript, p. 215:)

> I escaped from the prison about the 8th of October, and was captured about two days afterwards and brought back. After some of the most profane abuse from Captain Wirz that I ever heard from the lips of man I was ordered to the stocks. I was fastened at the neck and ankles and left for 68 hours without food, except such as was stolen to me by my paroled comrades.

I. R. Achuff, a prisoner who had escaped by bribing a guard, and who was afterwards caught by dogs and returned to Andersonville, says, (p. 1885; manuscript, p. 466.)

> I was taken to Captain Wirz. He ordered me into the stocks. I was put into the stocks with my hands fastened by a board and my arms stretched out. I was kept in the hot broiling sun for 36 hours. I had nothing to eat, and but two drinks of water. When I appealed to Captain Wirz about it, he told me to dry up or he would blow my damned brains out, that I deserved to be hung. After I was taken out of the stocks I was ironed; I had shackles fastened around each leg, an iron ring and a bar of iron between my legs.

Thomas [Joseph] Adler (p. 1210; manuscript, p. 531,) says:

> I know of one man who was lying senseless in the stocks for three hours before they would take him out. The order was to leave him in till Captain Wirz ordered him taken out. The captain was nowhere to be found, and the guard did not dare to take him out, and he lay five or six hours in the stocks until Captain Wirz came and they took him out. He was in there for trying to make his escape.

Thomas N. Way, having attempted to escape, was captured by dogs and brought back, and was taken to headquarters. He says, (p. 1225; manuscript, p. 550:)

Captain Wirz said, "I am going to take care of you this time; I put you in the stocks for four days."

He was so confined, and upon the same page, in answer to the question, "Explain what was the effect of the stocks upon you?" he says:

It was very severe. I was laid on my back with my feet and arms in the stocks so that I could only move my head. My face was right upwards to the sun. I was four hours in and one hour out during the 24 hours.

William M. Peebles, a rebel employé at Andersonville, says:

I was passing around one day during a hard storm, and I saw a prisoner in the stocks. He seemed to be near drowned. I rode up and put an umbrella over him. I passed up to Captain Wirz's headquarters, and told him the prisoner was there and might drown. He remarked, "Let him drown," using an oath. His words, as well as I can remember, were, "Let the damned Yankee drown; I do not care." In a few minutes afterwards some one from his headquarters went down and released the prisoner.

This is the testimony of a few, which is confirmed by the stories of many others. This mode of punishment was resorted to on the most trivial occasions, and for the most trivial offences, usually, however, in cases where prisoners had attempted to escape, or had made their escape and been recaptured.

Is there any defence for this barbarous method of punishment? Was not the punishment wholly out of proportion to the violation of prison rules? Can it be defended upon any known laws of war? When Colonel Chandler, a rebel officer, was put upon the stand, (p. 1610; manuscript, p. 742,) he was asked this question:

In your report you speak of paragraph 4 of the rules submitted by Captain Wirz which you did not approve. Can you tell us what that paragraph was?

His reply was:

I cannot speak positively as to that; my impression now is, that it had reference to punishing men who attempted to escape. I remember having a conversation with General Winder on this subject, and calling his attention to the fact that it was the duty of a soldier to his country to escape if he could, and that it was his (Winder's) duty to keep him; to prevent his escape, but not to punish him for doing his duty; and he concurred in that.

Colonel Chandler stated what all writers lay down as the law upon this subject. (See Woolsey's International Law, sec. 128; Heften, 129; Polson's Prin. of Law of Nations, 42.) The prisoners, then, in attempting to escape, were not committing an offence, but were in the exercise of a duty they owed, not only to their own self-preservation, but to the government they served; and the infliction of infamous, disgraceful, and cruel punishment for the exercise of this right, was as illegal as it was barbarous. It would have been lawful to shoot down a prisoner of war in the act of escape, or in the act of trying by force or stealth to pass the guard; but having escaped and being recaptured, and in the power of his captors, that moment it was the captors' duty to protect and save him from violence, rather than inflict upon him such tortures as we have described.

THE CHAIN-GANG.

Another mode of punishment, not less cruel and infamous than the stocks, was the chain-gang, and the use of balls and chain.

Jaspar Culver describes this relic of barbarism. He says:

I saw 12 men in the chain-gang, chained together, under guard. They came down to the bakery to wash. I gave them some water in pails to wash, and also carried their rations to them from the bakery. I saw them almost every day for over a month or six weeks; they were together.

I may remark here, that the witnesses concur in the statement that the chain-gang was a permanent thing, but that the men composing it were changed from

time to time, some being taken out and others substituted. The witness continues:

They were chained in two files, with a 32-pound ball chained to each outside leg of the file on the right side, and on the left leg of the left file; then they were chained to what seemed to be two 100-pound balls—at least they called them 100-pounders. There were three men in each file, with chains attached to each one of these 100-pound balls. They had also a band of iron riveted around each man's neck, and a chain attached from one man to another. If one man moved, the whole twelve had to move.

The prisoners were thus confined, for offences similar to those before mentioned, often, as we learn, when sick, and at all times with a total disregard of any precautions against exposure, or any provision for their subsistence.

The mind needs no aid to discover at once the severity of such punishment, nor does the conscience need to be quickened by being reminded of the law in order to condemn this shockingly brutal practice.

OTHER PUNISHMENTS.

Another means of punishment, not greatly differing from this, was the use of the ball and chain, which was a sort of adjunct to the chain-gang, and a part of it, and need not be dwelt upon.

There were still other modes of punishment and tortures which must not be overlooked; these were bucking and gagging, tying up by the thumbs, flogging on the bare back, and chaining to posts and trees.

The first of these is inflicted by fastening a stick in the mouth so as to keep the mouth constantly open; the hands are then tied together and placed over the knees, and a stick is passed over the arms and under the legs, bending the victim almost double.

Thomas N. Way, after describing this punishment, (p. 1262; manuscript, p. 551,) says:

The result is that you cannot speak. It is pretty severe punishment. I have seen a hundred men or more punished in that way.

From the same witness we learn something of the cruelty of tying up by the thumbs. In reply to the question—

State what you know of your own knowledge with regard to personal acts of cruelty committed by him (the prisoner) at Andersonville? (p. 1254; manuscript, p. 549)—

He says:

I know what he did to myself. I was in the stocks eight or ten days. I was bucked and gagged a day and a half. I was tied up by the thumbs for fifteen minutes because I was sick, and unable to fall in to roll-call.

Q. Was all this by order of Captain Wirz?

A. Yes, sir; I heard him give the orders.

Q. Describe the punishment of being tied up by the thumbs.

A. I was taken and held up with my arms elevated; a guard took me on each side; I could not stand myself; they tied my thumbs by strings, and then let me hang with my feet some distance from the ground, the whole weight of my body on my thumbs. I could not use my hands for two months afterwards.

Several instances of flogging have been testified to. Captain Honeycutt, a rebel soldier on duty at Andersonville, says:

I saw one of them (the prisoners of war) whipped; I did not count the strokes, but to the best of my knowledge, it was about twenty-five or thirty; he was a white man; I saw a man come from Captain Wirz's quarters, who took him out and whipped him.

He was a prisoner who had attempted to escape by blackening his face, and passing out of the stockade among a squad of negro laborers. This person, Vicentia Bardo, was subsequently put upon the stand as a witness for the defence. The object of the counsel for the prisoner in calling him was, it is supposed, for the purpose of discrediting a government witness, who said he thought the prisoner himself applied the lash, or gave the order. Bardo, how-

ever, says that after his capture he was sent down to the front of the "Dutch Captain's" quarters. He then states:

A lieutenant, I don't know his name, asked me what I was doing around there * * * Then he took hold of me, and took me and put me in the stocks; the stocks came around my neck, and my hands were stretched out; he gave me 25 lashes on my back. When I was taken out of the stocks I was put in the stockade for four hours; then put in the stocks again for four hours, and then I was put in the stockade again.

It is immaterial who inflicted the lashes, the fact not being doubted that it was done by the prisoner's orders, as we learn from other witnesses. It will be remembered that two other prisoners, colored soldiers, were given by orders of the prisoner 250 lashes each on the bare back. One of these men was punished because he refused to work in the intrenchments, owing to sickness, resulting from a wound he had received in battle, and the other for the alleged offence of forging a pass. Whipping as a punishment was long since abolished in the navy by act of Congress, and prohibited in the army by general orders. That it should have been revived at Andersonville is not strange when we reflect upon the many and more severe modes of punishment adopted.

The last in the catalogue of punishments which we shall notice here is described by the witness De La Baume, (Record, p. 1933; manuscript, p. 859,) and the incident occurred in the month of December, 1864. Speaking of one of his fellow-prisoners, he says:

I saw him tied with an iron collar around his neck to a post. As I was passing I heard this man say something to Captain Wirz, whereupon Captain Wirz said, "One word more and I will blow your damned brains to hell," holding a pistol towards his head.

The witness then presented to the court a pencil sketch of the scene, representing the guard with drawn sabre and the prisoner with his pistol in his hand. The evidence presents may phases of these different modes of punishments, which I will not torture myself or you by here presenting. It was a system, not only illegal and in violation of all the laws of war, but cruel, inhuman, and damning to its perpetrators. In no instance given in this record was there a provocation for a single act of this kind. It will not do to say that some of these modes of punishment are resorted to in armies; it will not do to say that they are legalized by State laws of the south, in the case of criminals; it will not do to say that the discipline of that prison required rigors of this kind. The relations sustained by prisoners of war to their captors present a case quite different from either of those mentioned. In the barbarous ages, we learn from Vattel and Grotius that prisoners of war became the property of the captors' and could be sold or put to death at his will, but the progress of civilization modified this manifestly unjust rule, substituting those already referred to. From these it will be seen that the relation is a fiduciary one, imposing an obligation upon the captor wholly at variance with such cruelties as have just been recounted. A prisoner of war does not become a criminal until he commits a crime, and the captor has no right to inflict upon him the punishment of criminals until he shall have committed a crime, and not then until after trial and conviction before a proper tribunal.

USE OF HOUNDS.

In this connection, as further illustrating the barbarous treatment of our soldiers and the cruelty of the prisoner at the bar, as well as systematic violation of the laws of war at Andersonville, it seems proper to notice the method adopted for recapturing prisoners.

The court will remember that the counsel for the prisoner laid great stress on the fact that a law existed in the State of Georgia authorizing the use of dogs for the capture of fugitive slaves, and attempt was made to prove by Judge Hall, the witness who testified to this fact, that a justice of the supreme court of that State had made a decision sustaining the law. The court very properly excluded

the evidence, but I will give the prisoner the benefit of the decision. It was made by Justice Lumpkin, and is another evidence of the extent to which a naturally strong mind may be warped and turned from a strict view of justice when compelled to square it with a system of slavery. The case referred to is "Moran *vs.* Davis," (18 vol. Ga. Reports.) The facts were substantially these: A negro ran away, was pursued by dogs, and in trying to escape from them plunged into a creek and was drowned. The slave had been hired to the man who pursued him, and the owner brought suit for the value of the negro. The court below held "that the hirer or overseer had no right to chase the slaves with such dogs as may lacerate or materially injure the slave; should he do so he will be responsible to the owner for all damage that may ensue to the slave." Exceptions were taken to the rulings of the court, and on appeal Justice Lumpkin reversed the decision, remarking, "The South has already lost 60,000 slaves, worth between 25 and 30 millions of dollars. Instead, therefore, of relaxing the means allowed by law for the security and enjoyment of this species of property, the facilities afforded for its escape, and the temptation and encouragement held out to induce it, constrain us willingly or otherwise to redouble our vigilance and to tighten the cords that bind the negro to his condition of servitude, a condition," he adds with a flourish of rhetoric and a shameful distortion of scripture, "which is to last, if the apocalypse be inspired, to the end of time."

Unfortunately for the argument of counsel, prisoners of war are not property, neither are they slaves, and with all his adroitness he can hardly torture this case to his purpose, especially in view of the fact that the decision was given in support of a relic of the dark ages now happily passed away.

When two nations are at war, neither has a right to prescribe a code of laws for the other; a moment's reflection will show the injustice of such a thing; but both are governed by a higher law than that prescribed by either—that is, the law governing civilized nations; and it seems to me that no refinement of reasoning is necessary to show that Judge Lumpkin's decision, given in the interest of barbarism, is plainly in violation of the rules of enlightened civilization. Dogs were kept at Andersonville from the organization to the close of the prison, and of this the rebel government had notice from several sources. Dr. Eldridge reported it, as we learn from Exhibit No. 15, A; (manuscript, p. 654.) The prisoner also reported it, as we learn from Exhibit No. 13. Mr. Benjamin Harris and a man named W. W. Turner were employed and paid for this despicable business. The first named, a citizen, was a professional negro catcher who kept a pack of hounds for that purpose; the other was a detailed soldier, detailed by order of General Winder, and paid as an extra duty man. (See testimony of Colonel Fannin, Captain Wright, and Ambrose Spencer.) These hounds were fed with provisions taken from the cook-house and furnished the prisoners of war, taken, too, from the scanty supply issued by the commissary for those prisoners. (See testimony of Jasper Culver.) They were mustered into the military service of the rebel government the same as cavalry horses. (See testimony of Colonel Gibbs, commandant of the post at Andersonville.) They were of two kinds, "tracking hounds" and "catch dogs," and if anything were wanting to show the deliberate purpose to injure prisoners by resorting to this means of capture it would be found in the presence in these packs of hounds of "catch dogs," which are described by many as fierce and bloodthirsty. If there had been no desire to injure, why were they used at all? They have none of those qualities peculiar to the tracking; they run only by sight, and, as has been testified to, always remained with the pursuer until approaching a prisoner. The tracking hounds would have been sufficient to discover the prisoners, and as they are usually harmless, would have served the purpose of the pursuer and at the same time inflicted no injury upon the pursued. The evidence, however, convinces one that this was only another means of putting prisoners of war out of the way. The prisoner at the bar frequently accompanied Harris and Turner

in their chases after prisoners, and, as we shall see hereafter, gloated over the pain inflicted by those bloodthirsty beasts. Cannot we safely stop here and ask that the prisoner at the bar be recorded as one of the conspirators? I know that it is urged that during all this time he was acting under General Winder's orders, and for the purpose of argument I will concede that he was so acting. A superior officer cannot order a subordinate to do an illegal act, and if a subordinate obey such an order and disastrous consequences result, both the superior and the subordinate must answer for it. General Winder could no more command the prisoner to violate the laws of war than could the prisoner do so without orders. The conclusion is plain, that where such orders exist both are guilty, and *a fortiori* where the prisoner at the bar acted upon his own motion he was quilty. You cannot conclude that this prisoner was not one of the conspirators because he is not shown to have been present and to have acted in concert with all the conspirators. If he was one of the conspiracy to do an illegal thing, it matters not whether he knew all his co-conspirators or participated in all that they did. It is not necessary to prove any direct concert or even meeting of the conspirators. A concert may be proved by evidence of a concurrence of the acts of the prisoner with those of others, convicted together by a correspondence in point of time and in their manifest adaptation to effect the same object. (Starkie's Evidence, pp. 323–4.) These rules of law place beyond doubt the guilt of the prisoner, for in every respect there is plainly discoverable "a correspondence of time and a manifest adaptation to effect the same object," in all that he did; and these principles apply not only to the prisoner, but to all others on duty at Andersonville, whose acts concurred with those of others of the conspiracy and were adapted to effect the same object.

The prisoner at the bar appeals to you through his letter of May 7th, directed to General Wilson, and asks, "Shall I now bear the odium (and men who were prisoners here have seemed disposed wreak their vengeance upon me for what they have suffered) who was only the medium or I may better say the tool in the hands of my superiors." Strongly as it may strike you that strict justice would require the punishment of the arch-conspirator himself; strongly as this wreck of a man, with body tortured by disease and over whom already gather the shadows of death, may appeal to your sympathies, you cannot stop the course of justice or refuse to brand his guilt as the law and evidence direct. While I would not dignify the chief conspirators in this crime without a name by associating with them the prisoner at the bar, yet he and they, so closely connected as they are, must share the same fate before the bar of a righteously indignant people. Nothing can ever separate them, and nothing should prevent their names going down to history in common infamy.

I have said that Phillip II had his Alva, that Jefferson Davis had his Winder, I might add that the Duke of Alva had his De Vargas, and Winder his Wirz. As the Duke of Alva rises out of the mists of history the agent of a powerful prince, so Winder stands out with fearful distinctness no less perfect for his willing obedience to the government he served than for his skill to devise and ability to select agents as capable to execute the refinements of cruelty. Nor does the parallel cease here; has not history repeated itself in making Wirz a man cast in the same mould as the infamous De Vargas, a hand to execute with horrible enthusiasm what his superior had the genius to suggest?

Motley tells us in his "Rise of the Dutch Republic," vol. II, p. 140, of these men Alva and De Vargas, whose spirits, after the Pythagorian theory, seemed to have centuries afterwards infused themselves into the bodies of this prisoner and his immediate superior, Winder. He says of the subordinates of Alva:

> Del Rio was a man without character or talent, a mere fool in the hands of his superior; but Juan de Vargas was a terrible reality—no better man could have been found in Europe for the post to which he was thus elevated. To shed human blood was in his opinion the only important business, and the only exhilarating pastime of life.

He executed the bloody work with an industry which was almost superhuman and with a merriment which would have shamed a demon; his execrable jests ringing through the blood and smoke and death cries of those days of perpetual sacrifice. There could be no collision where the subaltern was only anxious to surpass an incomparable superior.

There are other conspirators in this crime whom we must notice further than has yet been done, before coming to charge second; these are Surgeon Isaiah H. White and Surgeon R. R. Stevenson. Surgeon White, as we have already seen, went to Andersonville under orders from the rebel war department, and was there at its organization. It is he who was reponsible for the erection, management and condition of the hospital there, which Dr. Jones said did not deserve the name, and to enter which as a patient was almost certain death. It is he to whose account stands recorded the deaths of over 9,000 prisoners; whose neglect, malpractice and prostitution of his abilities as a surgeon make him no less a criminal in the light of testimony showing a criminal intent than if he had deliberately killed those who were placed in his charge; and of his criminal intent there can scarcely be any doubt, when it is remembered that in his house, and in his presence, letters directed to Union prisoners were opened, rifled of their contents, and their messages of love turned into "merrymakings," as we learn from the evidence of Lewis Dyer. It was he who often spoke of the mortality with shocking levity, and who uniformly neglected to take any notice of the suggestions made by the surgeons in their morning reports to him. It was he who drove Major Boyle out of the hospital in the stockade, and refused to allow his wound to be dressed because he was an officer of a colored regiment. It was he who established the system, and enforced it by orders, of practicing by formulas and numbers, which, in the opinion of Drs. Rice, Head, and Thornburgh was the sheerest empiricism. It was he who kept in his employment as hospital steward, one Dr. Kerr, who in the disguise of a federal soldier robbed the patients in the hospital, and was a man of a notoriously cruel and brutal nature; and it was he with regard to whom Surgeon General Moore remarks in his indorsements, (see Exhibit 24; manuscript, p. 695,) "not having supplies is his own fault; he should have anticipated the wants of the sick by timely requisitions;" and who, upon the recommendation and by the order of this same surgeon general, in the face of the fact of his incompetency, was less than two months afterwards assigned to duty as surgeon-in-chief of all the military hospitals east of the Mississippi, and who departed from Andersonville in company with and on the staff of General Winder, rewarded rather than punished, as was this general, for hi faithfulness in carrying out this conspiracy.

With all Dr. White's incompetency, and, as we learn from Dr. Bates's testimony, stepping into the shoes of his predecessor without instituting a single reform or showing himself in any way his superior, was Surgeon R. R. Stevenson. Further than this, indeed, he showed himself not only willing to perpetrate the evils that existed under Dr. White, but he showed himself also wanting in the principles of honesty. It is not necessary to enter into the details of his administration. We learn enough of him through the witnesses, Drs. Bates, Roy, Flewellen, Thornburgh, and Rice.

The evidence of these witnesses and others show that he refused to distribute bed-sacks and bedding to the suffering patients for the alleged reason that they would be destroyed; that he refused to allow Dr. Rice to go home and bring vegetables that were rotting in his garden for the use of the sick, or to send a person for them; that he constantly converted to his own use and loaded his own private table with viands sent for distribution among the sick; that he misappropriated the hospital fund, which accumulated by commuting in money a ration for each patient, at the rate under his administration of about two dollars per ration, and to increase which we learn, from the evidence of Dr. Thornburg, he caused to be entered upon the hospital register the names of hundreds of

persons as having been treated in the hospital who really died in the stockade without any medical treatment whatever; and that for his glaring malfeasances and crime he was compelled to leave that post.

VACCINATION.

The record so far presented cannot fail to excite a feeling of horror and disgust; but there is still another and a very important feature of the case yet to be brought out, namely, the inoculating of prisoners of war with poisonous vaccine matter.

This, I believe, is the only allegation set out in the charge not yet noticed, but which, when compared with other specific acts of cruelty, seems to me the most revolting in the whole catalogue.

Before speaking particularly of the effects of this alleged precautionary action on the part of the surgeons in charge, who it seems acted under orders from the rebel authorities through Winder and the prisoner, I would call your attention to the evidence, so that no man may say that this averment is false.

The evidence on this point proves distinctly one of two propositions, either of which fixes on the persons responsible a most atrocious crime; these are, 1. That the vaccine matter used was poison and known to be such; or 2d. That it was knowingly and purposely applied under circumstances which made it almost certain that death would ensue.

The defence has set up that impure vaccine matter was used throughout the south, with similar consequences, and several medical gentlemen of the rebel army were called to prove that fact, among others Dr. Flewellen and Dr. Castlen. But it will be remembered that their experience and their knowledge was limited to observations in the year 1863, and they distinctly told you that orders were issued directing the surgeons upon the discovery of these fatal consequences to cease the use of the virus. How then can the counsel presume to use this circumstance as a defence to the injurious results arising from the use of this spurious matter, as late as 1864, with the full knowledge of a year's practice and year's experience before them?

I would rather think that the Andersonville prisoners were made the victims of this experience, not, it may be, with the knowledge of many of the surgeons on duty at that place—for some of them seem to have been conscientious men—but doubtless with the knowledge of the surgeons in charge, their chief at Richmond, the prisoner at the bar, and his immediate chief.

This evidence of the soldiers on this point is homely and blunt, but it enables one to determine with some certainty that the effects described by them were by no means the ordinary results of vaccination.

Oliver B. Fairbanks says, (Record, p. 1024; manuscript, p. 431.)

Large sores originated from the effects of poisonous matter; they were the size of my hand and were on the outside of the arms and also underneath in the arm-pits. I have seen holes eaten under the arms, where I could put my fist in; these cases were in the stockade.

In reply to the question, "State the circumstances under which you were vaccinated," he replies, (Record, p. 1026; manuscript, p. 431:)

I was at the south gate one morning when the operation was being performed. While I was standing there looking on, one of the surgeons came to me and requested me to roll up my sleeves, that he was going to perform the operation on me. I told him I could not consent to such an operation. He called for a file of guards and I was taken to Captain Wirz's headquarters. Arriving there one of the guard went in and directly Captain Wirz came out of his office saying he wanted to know where that God-damned Yankee son of a bitch was. I was pointed out to him as being the person; he drew his revolver and presented it within three inches of my face, and wanted to know why I refused to obey his orders.

The witness proceeds to narrate his interview with the prisoner and says:

I told him, "Captain, you are aware that the matter with which I would be vaccinated is poisonous, and therefore I cannot consent to an operation which I know will prove fatal to my life." The prisoner flourished his revolver around and stated that it would serve me right; the sooner I would die, the sooner he would get rid of me.

The witness still refusing, he was kept in chains, and after a punishment of two weeks finally consented to the operation. He says:

As soon as it was performed, I went immediately to the brook, and took a piece of soap and rubbed the spot, and wrung it, and thereby saved myself.

As confirmatory of Fairbanks's statement, that the prisoner interfered in this matter of vaccination, and as tending to show that there was criminal design, I quote the evidence of Frank Maddox; (Record, p. 1173; manuscript, p. 514.) In reply to a question whether he ever heard the prisoner give orders in regard to vaccination, he says:

I heard him tell the doctor at the gate to vaccinate all those men; they were talking about having the small-pox there; the doctor told him that according to his orders he would do it.

The same witness, (Record, p. 1173; manuscript, p. 514,) being asked whether he saw the prisoner and any of the surgeons at the graveyard and heard them speak of vaccination, replied:

They were laughing over it one day; the doctors had been examining and had cut some bodies open, had sawed some heads open; in some cases a green streak from the arms had extended to the bodies; they were laughing about it killing the men so.

George W. Gray says, (Record, p. 2705; manuscript, p. 1162:)

It affected their arms; the sores began just to rot around and to eat in until it got to the bone; they generally lost their arms; a great many of the men who had been vaccinated had their arms amputated.

John L. Yonker, who was engaged in burying the dead, in speaking of the amputated arms which were constantly sent to the graveyard to be buried, says, (Record, p. 2193; manuscript, p. 950:)

I noticed it daily; the great part of it originated from vaccination; the sores were mostly right here, (on the outer part of the arm near the shoulder,) and under the arms; you could look into the ribs and see the bone; it looked all black, and green, and blue.

Lewis Dyer (Record, p. 2771; manuscript, p. 1184,) says:

I have seen men going around who had been vaccinated, and two or three days after all their arms would be eaten out, and their arms would have to be taken off.

Charles E. Tibbles, (Record, p. 2044; manuscript, p. 891,) who was also engaged in burying the dead, says:

I saw a great many extra arms at the graveyard, that were not cut, but were disjointed at the shoulder; they would be brought out with the dead, and almost always the next day; the bodies would be brought out belonging to them; they were generally eaten up with vaccination.

William Crouse (Record, p. 1460; manuscript, p. 643,) says:

I saw men get vaccinated there; it broke out; I saw about twenty of them die, and I saw five of them get their arms amputated.

Doran H. Stearns, (Record, p. 1279; manuscript, p. 562,) speaking of amputation, says:

The result was almost invariably death; I do not remember a single case of recovery after an operation.

This witness was on duty at the hospital and is a man of much intelligence and candor.

To the same purport is the testimony of Charles E. Smith, (Record, p. 2540; manuscript, p. 1085,) who also speaks of the orders with regard to vaccination, and says:

He (the prisoner) said, any one who would refuse to obey his orders would have a ball and chain put on. There was a man named Shields belonging to the 2d Iowa infantry, who refused to be vaccinated; they took him out and put a ball and chain on him until he consented to have the matter put in his arm.

Several of the surgeons on duty at Andersonville have also testified to the fatal result of vaccination. You will remember that the surgeons who have testified through their reports, and upon the witness stand, have spoken largely of hospital gangrene that prevailed at Andersonville as a consequence of vaccination; and indeed, as they have universally testified, as a consequence of

even the slightest abrasion of the skin, in cases of vaccination, however, resulting in appalling mortality.

Vaccination with genuine virus has never before resulted in such frightful mortality. The records of medicine and pathology nowhere, in no country and no age, afford or approach a parallel to Andersonville; and it is eminently important that an explanation be reached if possible, and if criminality attach to any one, let its just consequences be upon him. The best medical and pathological authorities agree in describing hospital gangrene as a variety of mortification and ulceration with rapid contamination of the whole system, depression and exhaustion of the vital powers. All of the conditions necessary to produce this terrible disease, we learn from many sources in this record, were abundantly supplied at Andersonville, and that there was scarcely a prisoner who was not more or less affected by it, or in a scorbutic condition to a greater or less degree. Now we all know what is the normal effect of pure vaccine virus properly introduced into a healthy system—one not previously vaccinated. A local inflammation is set up, a fever ensues, attended with a general disturbance of the constitution, and the insertion of the virus is the centre and source of it all, with which the whole system sympathizes more or less, and from which, under the most careful circumstances and attention, alarming and sometimes fatal results follow.

This is so well understood by the profession—as all of us have experienced who have submitted to the operation—that they always counsel a preparatory process by sanitary observances.

These facts, drawn from reliable and recognized medical sources, will enable the court and the world to appreciate in some degree the heartlessness and implacable cruelty of the rebel authorities at Andersonville, in persistently compelling prisoners of war to be vaccinated, in the condition they are shown to have been in. It will not do to say that this was resorted to as a preventive or precautionary measure. The record shows but few cases of death by small-pox, while the evidence establishes beyond doubt the fact that of many hundred prisoners vaccinated, few recovered. No one will pretend, after a perusal of this record, that the course of the rebel surgeons in this particular can in the slightest degree be excused; and with the fair inference of evil intent and wicked purpose on the part of the chief surgeons, Drs. White and Stevenson, and the prisoner at the bar, who with pistol in hand stood ready to enforce their direction, which can be drawn from the evidence, can you hesitate to find them "guilty" as laid in the charge?

The court cannot fail to observe that after having drawn from the record this long black catalogue of crimes, these tortures unparalleled, these murders by starvation, implacable as could have been perpetrated had the spirit of darkness controlled them, there are yet many, very many, phases of Andersonville prison life that I must leave unnoticed.

Has there been any defence made to these horrors? Is there any palliation for their perpetrators? Lives there a witness who has denied or can deny them? The counsel for the prisoner has had unlimited control of the strong arm of the government; he has had days and weeks for preparation; he has, as all must admit, labored sedulously and untiringly for his client, constituting himself at the same time counsel for his co-conspirators, yet, with all his efforts, so earnestly put forth, he has utterly, signally failed. The special acts of cruelty committed by the prisoner at the bar he has sought to explain; with what success I leave to you to judge. The general management and discipline, and his responsibility for the same while at Andersonville, he has sought to deny by showing the presence at that place of a superior officer, General Winder, who, he alleges, had chief control. All this is swept away by the fact that before General Winder's arrival the fearful rigors of that prison began; they continued during his stay, from June till October, and they subsided only in proportion

as the number of prisoners became less, after General Winder's departure. And notwithstanding his earnest appeal, made to you in his final statement, begging that he, a poor subaltern, acting only in obedience to his superior, should not bear the odium and the punishment deserved, with whatever force these cries of a desperate man, in a desperate and terrible strait may come to you, there is no law, no sympathy, no code of morals, that can warrant you in refusing to let him have all justice, because the lesser and not the greater criminal is on trial.

To the charge of suffering and death by starvation something excusatory could be urged in the fact that supplies were not to be obtained, had this been established; but here, as elsewhere, the defence has wholly failed. While the burden of proof rested upon the defence to show that the sufferings at Andersonville were unavoidable, it will be remembered it was part of the elements of the case made by the prosecution to show not only the fact of starvation, but also that it occurred in a region of plenty, and in view of this fact, so clearly proven, we find reason for concluding beyond all doubt that this crime against nature was the work of a delibrate, malicious, traitorous, and hellish conspiracy to aid a most treasonable rebellion.

I desire now to present to the court the evidence which supports me in the belief just declared. Here, as always, I desire that the witnesses may speak, that no man shall gainsay the facts.

Major General J. H. Wilson, of our army, who, perhaps, can speak as advisedly upon this point as any witness who has been upon the stand, for reasons shown in his testimony, says, (Record, p. 1836; manuscript, p. 820:)

> After passing through the mountainous region of northern Alabama, I found supplies in great abundance on our lines of march: in sufficient abundance to supply a command of 17,000 men, without going off our lines of march for them.

His lines of march, he says, were—

> From the northwest corner of Alabama, to a point called Monte Bello, and from thence south to Selma; from Selma, southward to Montgomery; from Montgomery, two lines, one to Columbus, Georgia, and the other to West Point, Georgia, and thence, by two converging lines, to Macon, Georgia; and then, all over the State of Georgia; from there to the Gulf. (Record, p. 1837; manuscript, p. 820.)

In reply to the question if the rebel government drew supplies from that part of the country, he says:

> Yes, from central Alabama to southwestern Georgia, for the wants of their armies operating in the field; that was their grand region of supplies.

And speaking with regard to railroad communication by which these supplies could reach Andersonville, he says:

> We found lines of railway running very nearly in the direction of the march from Monte Bello, and between the parts of country spoken of, and Macon and Andersonville.

Ambrose Spencer, a resident of Georgia for many years, says, (Record, p. 2458; manuscript, p. 1050:)

> Southwestern Georgia, I believe, is termed the garden of America. It was termed the garden of the confederacy, as having supplied the greater part of the provisions of the rebel army. Our section of Georgia, Sumter county, is perhaps not as rich as the counties immediately contiguous, * * but still it produces heavily. I suppose that the average of that land would be one bale of cotton to the acre; the wheat would average about six bushels to the acre; the average of corn about eight bushels.

And the court will recollect that he says he is stating the "general average," and not what one cultivated acre will produce; and adds:

> We have land in that county that will produce 35 bushels of corn to the acre.

Speaking of the subject of vegetables in 1864, he says, (Record, p. 2459; manuscript, p. 1051:)

> It struck me that there was an uncommon supply of vegetables. Heretofore at the south there has been but little attention paid to gardens on a large scale; but last year a very large supply of vegetables was raised, as I understood, for the purpose of being disposed of at Andersonville.

James Van Valkenburgh, of Bibb county, near Macon, Georgia, says (Record, p. 651; manuscript, p. 269) he has resided in that section for nineteen years, and that in the year 1864, speaking of the crops— .

I should suppose, as to provisions, it was more than an average crop, inasmuch as no cotton was planted, and all the ground was pretty well planted in provisions; I should think the provision crop was larger than before the war.

This witness says that at Macon, which is about sixty-five miles by rail from Andersonville—

There were a great many storehouses, where provisions of various kinds were stored—sugar, rice, molasses, meat, (bacon,) corn, wheat, flour, &c.

At Americus, he says:

There seemed to be very large quantities. I saw a great deal of stores in various warehouses.

Americus, it will be remembered, is only about nine or ten miles from Andersonville. The court will remember that of this "more than ordinary crop of provisions" the farmers were compelled by law to pay to the rebel government one-tenth. I make a few extracts from the evidence of one of the agents of that government—a tithe gatherer.

W. T. Davenport says, (Record, p. 2144; manuscript, p. 937:)

I was tithe agent from April, 1864, till the surrender, for Sumter county. The amount of bacon received at that depot from Sumter county, and from the counties of Schley, Webster, and Marion, of which my depot, being on the railroad, was the receiving depot, for the year 1864, was 247,768 pounds; we received of corn, 38,900 bushels; of wheat, 3,567 bushels; we received 3,420 pounds of rice in the rough; of peas, we received 817 bushels; of sirup, of West India cane and sorghum, 3,700 gallons; of sugar, 1,166 pounds.

This was all in the year 1864. In 1865, he says, (Record, p. 2145; manuscript, p. 937:)

From the 1st of January till the 19th of April, which was the time of the surrender, I received from those same counties 155,726 pounds of bacon, 13,591 bushels of corn, and 86 bushels of wheat. This was the remnant due on the old crop, the new crop not having been gathered. I received of rice, (rough,) 2,077 pounds; of peas, 854 bushels; of sirup, 5,082 gallons.

And these, he says, were not the only tithes gathered. In these counties there were, besides his depot, others from which he has no account. He says:

There was a depot at Andersonville. Some portion of the tithes were delivered there, and some portions were delivered to travelling companies that received tithes, and were not reported to me.

On page 2147, (manuscript, p. 939,) he says, referring to the counties named:

Two of them, Schley and Webster, were quite small. Sumter and Marion are fair average counties.

This immense amount of provisions is but a small portion received by the rebel government through their tithe-gatherers, it being brought to the depots by the farmers themselves, and was only *one-tenth* of the amount produced by them. These stores were turned over to W. B. Harrold, who was commissary agent for those counties, and who was also purchasing agent. (Record, p. 2149; manuscript, p. 940.)

W. B. Harrold says, (Record, p. 2597; manuscript, p. 1112:)

For the last three years I have been purchasing and shipping supplies for the commissary department of the rebel government for a district embracing from four to six counties in southwestern Georgia; one of the counties being that in which Andersonville is located. I was ordered at all times to hold all supplies which I had at Americus, after May or June, I think, subject, first, to Andersonville, in case they should get out of provisions there at any time. My provisions were rather reserved for Andersonville, to be called on in case of an emergency. I was 10 miles distant. Such provisions as I had there—bacon and meal—I don't think they were ever out of at Andersonville.

He continues:

I don't think I was ever called on for provisions that I did not furnish, with the exception of meal. In the early part of 1864, they depended on my arrangements for meal altogether. During the first two or three months of the prison, say February, March, and April, before the crowded condition of the prison, the orders were to issue five day's rations at a time, on

requisition. I kept up very well until they began to crowd the prisoners in, and then I could not furnish sufficient meal, and other arrangements were made. The meal was afterwards obtained in large quantities from the Palace mills, in Columbus.

On page 2601, (manuscript, p. 1113,) when asked, "Was there ever a time when there need to have been suffering at Andersonille because of the inability to get supplies there?" he answers, "Not so far as corn-bread and meal were concerned."

I quote further from the record:

Q. Was there any difficulty with regard to supplies?
A. No, sir.
Q. Was there no time when transportation could not have been procured?
A. At all times I think they could have procured transportation, and did procure it.

On cross-examination, he says:

The same provisions were furnished to Andersonville that were furnished to the army, and the same were furnished there as were furnished to the hospital.

But we have the evidence of scores of witnesses that they were never received by our starving prisoners.

James W. Armstrong was commissary at Andersonville from the 31st of March, 1864, until August 1, 1864, and from the 10th of December, 1864, until the close of the war. (Record, p. 4484–'5; manuscript, p. 1810.)

Until the 14th of July all the rations were delivered to R. B. Winder, or to his sergeant for him, and after that time to Captain Wirz's sergeant. He says he doesn't pretend to know whether the rations issued by him were actually delivered to the prisoners or not.

On page 4496, (manuscript, p. 1813,) we find the following:

Q. You never were at any time so short that you could not issue to the prisoners?
A. No, sir. In three or four instances I issued rice instead of corn-meal; but I always made up the rations.
Q. You never found it necessary to diminish the rations, except by substituting one thing for another?
A. That is all.
Q. You always had plenty to issue?
A. Yes, sir.

Colonel Ruffin, who was in the commissary department at Richmond, and who was called for the defence to show that Lee's army suffered for the want of provisions, (Record, pp. 4430–'31; manuscript, p. 1789,) says that at that time the prisoners were consuming General Lee's reserve of 30,000 barrels of flour; the removal of prisoners from Richmond *to the seat of plenty* was urged by the commissary department. "After awhile," he says, "the prisoners were sent to the place of comparative plenty, or to the place of supply." He further says, (Record, p. 4433; manuscript, p. 1790,) that in sending the prisoners to Georgia the only object of his department was to get them to what was considered a good region of country; that they were drawing supplies from Georgia to feed General Lee. He says, on page 4428, that the armies of the southwest fared better than General Lee's army, "because they were in Georgia, where there was more abundance." And in the same connection, on cross-examination, says that General Lee's army suffered because it was cut off from the southwest by federal raids, which destroyed their railroad communication.

Ambrose Spencer says, (Record, p. 2456; manuscript, p. 1050:)

That section of southwestern Georgia is well supplied with mills—both grist-mills, flour-mills, and saw-mills. Between Andersonville and Albany—about fifty miles— * * there are five saw-mills, one of them a large one. There is one at a distance of six miles from Andersonville that goes by steam. There is another about five miles from Andersonville that goes by water. There are saw-mills on the road above Andersonville.

And in this connection, as touching the question of shelter and the facilities with which it could have been furnished the prisoners, the witness says further:

It is a very heavily timbered country, especially in the region adjoining Andersonville; it may be termed one of the most densely timbered countries in the United States.

On page 2460, (manuscript, p. 1051:)

I was there (Andersonville) during June and July very frequently, at the time Governor Brown had called out the militia of the State. Their tents were all floored with good lumber, and a good many shelters of lumber were put up by the soldiers. I noticed a good many tents that were protected from the sun by boards. There seemed to be no want of lumber at that time among the confederate soldiers.

Colonel Persons says, (Record, p. 621; manuscript, p. 252,) "That about five train loads, perhaps fifty car loads in all," came to Andersonville while he was there. This, he says, would have covered two, three, four, or five acres with barracks.

Thus we have shown from evidence of the highest character, that the defence based upon want of supplies within the reach of the rebel authorities, and which is popularly believed to have been the real cause of the sufferings of Andersonville, is entirely overthrown, and without foundation in fact; and the same may be said of every question entering into the defence incident to the matter of supplies. With whatever truth the straitened circumstances of the South may be urged to exculpate those in charge of other prisons, certainly, so far as Andersonville is concerned, no one will hereafter with seriousness dare to urge it.

Having shown with certainty that supplies were abundant and available, I cannot omit to mention what amount was actually issued as the only means of sustenance to the prisoners. I quote Dr. Bates, whose acknowledged credibility on the part of the accused in his statement to the court makes it unnecessary to support him by the many witnesses who testify to the same point; but the court will remember that his estimate is several ounces more than the prisoners themselves testify to having received. He says, (Record, p. 174; manuscript, p. 37:)

I wish to be entirely safe and well guarded on this point. There might have been less than 20 ounces to the 24 hours; but I do not think it could have exceeded that.

The ration, it will also be remembered, consisted of one unvarying diet of corn-bread and salt meat, with an occasional issue of peas, and with no vegetables whatever. In comparison with this scanty allowance which the concurrent testimony of all the witnesses shows was the immediate cause of the great mortality at that prison, I desire to call your attention to some interesting and instructive facts, showing the amount of food necessary to sustain life. I quote from a work on the economy of armies, by medical inspector Lieutenant Colonel A. C. Hamlin, United States army:

The data of French's show that 18 ounces of properly selected food will be sufficient, and the observations of Sir John Sinclair are to the same effect, yet Dr. Christison maintains that 36 ounces are required to preserve the athletic condition of prisoners confined for a long term. To preserve the athletic condition with these small quantities, the nutrient substance must be of known value.

In the public establishments of England the following quantities are given:

British soldier, 45 ounces; seaman, royal navy, 44 ounces; convict, 57 ounces; male pauper, 29 ounces; male lunatic, 31 ounces.

The full diets of the hospitals of London give, Guy, 29 ounces, with one pint of beer; Bartholomew, 31 ounces, with 4 pints of beer or tea; St. Thomas, 25 ounces, with 3 pints of beer or tea; St. George, 27 ounces, with 4 pints of beer or tea; Kings, 25 ounces.

The Russian soldier has bread 16 ounces, meat 16 ounces; Turkish soldier has bread 33 ounces, meat 13 ounces; French soldier has bread 26 ounces, meat 11 ounces; Hessian soldier has bread 36 ounces, meat 6 ounces; English sailor has bread 20 ounces, meat 16 ounces.

The United States soldier receives $\frac{3}{4}$ pound of bacon, or $1\frac{1}{4}$ pound of fresh or salt beef; 18 ounces of bread or flour, or $\frac{3}{4}$ pound of hard bread, or $1\frac{1}{4}$ pound of corn-meal; with rice, beans, vegetables, coffee, sugar, tea, &c., in proportion.

When we remember that there seems to have been no difference made in the rations issued to the sick in the hospital and prisoners confined in the stockade; that, as we have seen by the testimony of Dr. Jones, the mortality was proportionately the same in both places, and all the surroundings so prolific of disease, added to the fact that for months the prisoners had barely room to stand upon, we are prepared to comprehend the force of the illustrations above given and

those which I shall now give. The number of patients treated in the hospital at Andersonville is shown by the hospital register to have been something less than 18,000, the number of deaths a little short of 13,000, and to this number must be added 2,000 more, who, as we have shown with reasonable certainty, died before reaching their homes, making in all 15,000, and this falls far short of the maximum number, giving, as we see, the frightful ratio of mortality of over 83 per cent.

Quoting from the same learned author we find that "the average mortality of the London hospitals is nine per cent.; in the French hospitals in the Crimea, for a period of twenty-two months, the mortality was 14 per cent. The city of Milan received during the campaign in Italy 34,000 sick and wounded, of whom 1,400, or four per cent., died. The city of Nashville, Tennessee, received during the year 1864 65,157 sick and wounded, of whom 2,635, or four per cent., died. During the year 1863 Washington received 68,884, and of these but 2,671, or less than 4 per cent., died; and in 1864 her hospitals received 96,705 sick and wounded. (49,455 sick, 47,250 wounded,) of whom 6,283, or $6\frac{4}{10}$ per cent., died. The mortality of the rebel prisoners at Fort Delaware for eleven months was two per cent.; at Johnson's island during twenty-one months 134 deaths out of 6,000 prisoners."

This is the record of history, against the charnel-house of Andersonville. Let the mouths of those who would defend these atrocities by recrimination, charging the United States government with like cruelty, forever hereafter be closed.

Fort Delaware and Johnson's island, with their two per cent. of dead. Andersonville with its 83 *per cent.!* "Look upon this picture and then upon this," and tell me there was no design to slay! Let no mind, be it warped never so much by treason and treasonable sympathies, doubt this record, for "If damned custom have not brazed its soul—that it be proof and bulwark against sense," it must believe; it cannot deny these things.

May it please the court, I have done with the argument under charge first. I leave it with you to answer by your verdict whether this charge of conspiracy, solemnly and seriously preferred, can be frittered away and disposed of without a single explanatory line in defence. I place before you, gentlemen, on the one hand the protestations of this accused, who speaks for himself and his co-conspirators; on the other the testimony of Dr. Bates, where he declared, as you well remember, with faltering tone and feelings overpowered, "I feel myself safe in saying that 75 per cent. of those who died might have been saved had those unfortunate men been properly cared for."

I leave it with you to say whether the prisoner at the bar can acquit himself and his associates in crime by declaring the charge here laid to be, as he has told you, "a myth," "a phantasy of the brain," "a wild chimera, as unsubstantial as the baseless fabric of a vision."

(At this point, the court, on the suggestion of the judge advocate, adjourned until to morrow morning at 10 o'clock.)

UNITED STATES MILITARY COMMISSION,
Washington, D. C., Saturday, October 21, 1865.

The commission met pursuant to adjournment. Present, all the members and the judge advocate.

The prisoner and his counsel were also present.

The proceedings of the last meeting were read and approved.

The judge advocate continued his argument as follows:

May it please the court, we now come to notice charge second, alleging "murder in violation of the laws of war," under which there are laid numerous specifications, alleging, with all the particularity that was possible, the circumstances in each case.

In presenting the evidence under this charge, I shall try to do so in the

briefest and simplest manner. I shall not endeavor to torture the evidence to support any preconceived theory, nor ingeniously dovetail scattered scraps of testimony to make out a case. I am content to leave the court to reach its own conclusions; and therefore I shall (except in two cases which have been particularly referred to in the defence) do little more than simply recite the evidence of the witnesses. My simple purpose is to aid the court in the discharge of the arduous task upon which it is about to enter, in making up a verdict on this voluminous record.

The various cases of death which are justly to be laid to the charge of this prisoner as murders, may be considered under four heads:

1. The cases of death resulting from mutilation by the hounds.
2. The instances of death resulting from confinement in the stocks and the chain-gang.
3. The cases of killing of prisoners by the guards, pursuant to the direct order of the accused given at the time; and
4. The cases of killing by the prisoner's own hand.

This classification does not embrace those very numerous cases (which it is not deemed necessary to recount in detail) where prisoners at or near the dead-line were shot by the guards when the accused was not present.

The responsibility of the prisoner for these murders (for such wanton, unprovoked and unjustifiable destruction of human life was nothing less) has been treated of in a previous branch of the argument. Without repeating that argument, I will say in addition that there is no truth in the assumption put forth as a defence in the written statement of the accused, that the prisoners within the stockade had ample notice of the dead-line regulation, and that, if any were shot in crossing that line, he was not responsible. The evidence of the defence failed to show (although I believe it was attempted) that the dead-line regulation was posted up within the stockade.

Besides, many of the witnesses on this stand testified that, going to Andersonville, as new prisoners, they received no authoritative notice of the dead-line regulation, but accidentally or casually acquired that knowledge from their companions; and some have told us of their hair-breadth escapes from being shot soon after entering the stockade, in consequence of their ignorance of that regulation; and a number of witnesses have described how their comrades lost their lives in consequence of similar ignorance. After all the evidence on this subject, I was astonished, as I doubt not was the court, when the prisoner, in his statement, inquired with singular effrontery, (p. 4780 :)

> Is it within the range of probability that there was a single prisoner within the stockade who did not know the penalty for encroaching upon the dead-line?

Before proceeding to refer to the evidence as to the deaths from mutilation by the hounds and from confinement in the stocks and chain-gang, it may be proper to say a few words as to the criminal responsibility of the prisoner for these deaths. In the first place, I need hardly remind the court of that fundamental principle of law that "a sane man is conclusively presumed to contemplate the natural and probable consequences of his own acts." (1 Greenleaf on Evidence, sec. 18.) This principle, I submit, applies in this case with great force. I maintain that the deaths resulting from the use of the stocks and the chain-gang as an indiscriminate punishment for the healthy and the sick, the strong and the feeble, and the deaths consequent upon the pursuit of escaping prisoners with ferocious hounds, were but the "natural and probable consequences" of the act of the prisoner in maintaining and carrying out this barbarous system of discipline. What more "natural and probable" than that a prisoner, emaciated by disease and starvation, should, when confined in the chain-gang or the stocks, die from such confinement? What more "natural and probable" than that a ferocious dog, when pursuing an escaping prisoner, should tear and mortally mutilate such prisoner, particularly if he were in the debilitated condition which

characterized most of the prisoners at Andersonville? And when death results under such circumstances and from the adoption of such methods of treatment, an intention to kill on the part of him who adopts them is the necessary and rightful presumption of the law, just as "an intent to murder is conclusively inferred from the deliberate use of a deadly weapon." (1 Greenleaf on Evidence, sec. 18.)

Again, it has been laid down that the crime of murder is consummated "whensoever any one *wilfully endangers the life of another by any act or omission likely to kill, and which does kill.*" (2 Starkie on Evidence, 710, note.) It has also been declared by high legal authority that—

> It is not essential that the hand of the party should immediately occasion the death; it is sufficient if he be proved to have used any mechanical means *likely to occasion death and which do ultimately occasion it;* as if a man lay poison for another with intent that he should take it by mistake for medicine, or *expose him against his will in a severe season, by means of which he dies.* (2 Starkie on Evidence, 710, note.)

As illustrative of the same legal principle, allow me to quote from Wharton's Criminal Law, 435:

> If a person breaking in an unruly horse wilfully ride him among a crowd of persons, the probable danger being great and apparent, and death ensue from the viciousness of the animal, it is murder. For how can it be supposed that a person wilfully doing an act so manifestly attended with danger, especially if he showed any consciousness of such danger himself, should intend any other than mischief to those who might be encountered by him? So if a man maliciously throw from a roof into a crowded street, where passengers are constantly passing and repassing, a heavy piece of timber, calculated to produce death on such as it might fall, and death ensue, the offence is murder at common law.

From these principles, it follows that when we show the prisoner's responsibility for the use of the chain-gang and the stocks, and for the employment of the hounds, we show that every death resulting from these was a murder for which he is to be held accountable.

In this connection, allow me to refer hastily to some of the evidence showing the responsibility of the prisoner for the use of the stocks and the chain-gang, and for the employment of the hounds.

Robert Tait, (p. 2648; manuscript, p. 1133,) George W. Gray, (p. 2698; manuscript, p. 1157,) Col. Gibbs, (p. 108; manuscript, p. 18,) Charles F. Williams, (p. 1391; manuscript, p. 615,) J. H. Goldsmith, (p. 2053; manuscript, p. 902,) J. H. Burns, (p. 2295; manuscript, p. 984,) and numerous other witnesses, testify as to the prisoner ordering men into the stocks and the chain-gang. In some cases the men subjected to this treatment were very greatly debilitated, and in other cases they had just been brought back wounded by the hounds.

Several of the witnesses testify that the accused would go round the stockade every morning in company with the hounds to get the track of prisoners who had escaped. A. W. Barrows, (p. 224; manuscript, p. 86,) P. V. Halley, (p. 1046; manuscript, p. 453,) and many others, testify that the accused gave orders for starting the dogs in pursuit of prisoners who had escaped. J. D. Keyser (p. 574; manuscript, p. 243) states that he heard him tell Turner to get the dogs. James Mohan, a rebel officer who was on duty at Andersonville, testifies that when "Frenchy" escaped, the prisoner gave orders to get the dogs after him, and he was captured, the prisoner going with the dogs; and this, the court will remember, is admitted in the statement submitted by him. Boston Corbett (p. 443; manuscript, p. 168) testifies that after being captured by the dogs, he was brought before the accused, who said to the captor: "Why did you not make the dogs bite him?"

J. H. Davidson (p. 935; manuscript, p. 384) saw a prisoner torn by the dogs, the accused being present.

Dr. F. G. Castlen, who was a surgeon in the rebel service, relates an instance (p. 689; manuscript, p. 277) where a man was ordered down from a tree and bitten by the hounds, the prisoner being present. John F. Heath, a rebel officer who was on duty at Andersonville, testifies (p. 778; manuscript, p. 319) that

when "Frenchy" was pursued the prisoner ordered him down from the tree and the dogs rushed at him and bit him, the prisoner not trying to keep the dogs off. This rebel witness, it will be observed, contradicts the allegation made by the prisoner in his written statement, that he endeavored to keep the dogs off. James P. Stone (p. 2220; manuscript, p. 990) says that the dogs were fed with rations drawn from the bakery, most frequently by a young man who assisted Turner, and that the prisoner signed an order once "to give this man all the bread and meat he wants for the dogs." Joseph Adler testifies (p. 1205–1234; manuscript, p. 529–540) that on one occasion Dr. White and the prisoner were looking at a man who was so mangled by the dogs as to be almost dead, when the prisoner said, "it was perfectly right, that it served the man right; that he had no business to make his escape, and that he would not care if all the damned Yankees in the stockade could be served in the same way as that, as he wanted to get rid of them." The prisoner himself, in his consolidated return for August, 1864, (exhibit 13,) speaks of 25 prisoners who escaped during the month, but were taken up by the dogs.

These citations, which might be multiplied, are sufficient to show the responsibility of the accused for the punishment of the prisoners by the stocks and the chain-gang, and for the pursuit of prisoners by the hounds; and according to the principles already referred to, every death resulting from such punishment and such pursuit must justly be considered as having been murderously caused by him, remembering also that the use of the means resorted to and the means themselves were a gross and wicked violation of the laws of war.

I will now proceed to recite the evidence as to the cases where death resulted from the pursuit of prisoners by the hounds.

William Henry Jennings (p. 1245; manuscript, p. 545) testifies that a month or two after he was whipped, which was in the month of March, he being in the hospital, saw a man come in who was torn by the dogs—bitten from his feet up to his head and all round his neck, and that the man died shortly afterwards.

Bernard Corrigan (p. 1351; manuscript, p. 598) states that in May he saw a prisoner who was badly bitten by the dogs in both legs, and he had a piece of his ear cut off. The man was carried to the hospital the day following, and the witness never saw him afterwards.

James E. Marshall (p. 1714; manuscript, p. 766) testifies that in May he saw a man whose leg was torn by the hounds, and who afterwards died in the hospital.

John L. Yonker (p. 2187; manuscript, p. 947) testifies that just before the raiders were hung, which was about the 11th of July, a man belonging to an Indiana regiment tried to make his escape from the hospital, was recaptured by the hounds and sent back to the stockade in the evening; that his right ear was almost off, and that he was bitten in several places in the legs and had hardly any clothing on him; that witness gave him a piece of his shirt and helped to tie up his wounds; that the wounded man gave his friend a picture to give to his mother if he should never recover, because he believed he would die; that the next morning he was dead; that the man stated that he had tried to climb a tree, but the dogs pulled him down.

In connection with the incident just narrated, it may be pertinent to adduce the evidence of Joseph Adler and George Conway, apparently having reference to the same transaction.

George Conway (p. 2243; manuscript, p. 966) testifies that on one occasion (he does state the date) he saw a man who had been caught by the hounds, while making his escape from the hospital; the man was bitten on his legs and in his cheek.

Joseph Adler (p. 1205; manuscript, p. 529) states that in the latter part of June or the beginning of July, Dr. White and the prisoner were looking at a

man who had been mangled by the dogs; the prisoner said it was perfectly right.

George W. Gray (p. 2704; manuscript, p. 1161) states that on one occasion he saw a young man who had just been brought into the stockade, after having been caught by the hounds. Part of his cheek was torn off; his arms, hands and legs were bitten, so that he only lived about 24 hours after having been brought into the stockade.

Thomas N. Way (p. 1257; manuscript, p. 552) states that in the latter part of August he and two others, with whom he escaped, were pursued by the hounds, and that one of his comrades was caught by the foot as he was climbing a tree and was torn all to pieces.

A. W. Barrows (p. 244; manuscript, p. 87) states that about the end of August, a man who had been bitten by the dogs when trying to escape was brought into his ward and died about five days afterwards.

Jas. P. Stone (p. 2223; manuscript, p. 959) states that in July or August he saw a man who had made his escape, who had been caught and badly torn by the dogs; that he was bitten badly in the legs and also a great deal about the neck and shoulders; that he had made his escape and climbed a tree; that the accused and Harris shook him down and allowed the dogs to tear him.

Frank Maddox (p. 1168; manuscript, p. 513) testifies that when he was burying a man who had been bitten by the dogs, had afterwards been placed in the stocks by order of the prisoner, and who had died, Turner, who had charge of the hounds, came to the grave-yard and said that there had been two men bitten by the hounds, and that they let the dogs tear up the other one in the woods, and that they left him there.

W. W. Crandall (p. 1742; manuscript, p. 778) testifies that on one occasion (he does not give the date) he saw a man with his legs badly torn by the dogs; that a ball was put upon his foot, and that he was kept that way for several weeks; that witness went to the prisoner and pleaded with him to take the balls off. The prisoner said he could not do it. Witness asked the surgeon to do it. The surgeon examined the man and said that he could not conscientiously take off but one. The man's leg became badly swollen, and witness believes the man died, as he three weeks afterwards buried a man whom he thought he recognized as the same.

I have thus hastily passed over the evidence touching this class of murders. I shall presently endeavor to individualize the instances mentioned and to reconcile and unite the separated, and in some instances apparently complicated, circumstances. But, before doing so, let me suggest that on the review of this evidence, while the testimony must be and ought to be subjected to the closest criticism and scrutiny, and while the court should be convinced, beyond a reasonable doubt, of the guilt of this accused, still I submit it as worthy of grave consideration that there are many circumstances peculiar to prison life, as it was at Andersonville, which make the ordinary test applied in tribunals of law for the verification of testimony altogether inappropriate in this case. The court will not forget that there existed at Andersonville a condition of affairs for which it would be impossible to find a precedent. The prisoners were deprived, to a great measure, of facilities for ordinary intelligence or for communication with each other and the outer world. They were subjected to the closest and most cruel confinement and discipline. Most of them were constantly racked with the pangs of hunger or disease, or engrossed from hour to hour in a struggle with death in which the odds were fearfully against them. Their companions were constantly dying around them, either from emaciation, disease, or acts of violence, so that, as the prisoners themselves have declared in the presence of the court, they became so habituated to these horrible surroundings, that the death of a comrade, under what would ordinarily seem the most frightful circumstances, made in many cases but a slight impression upon their minds; and certainly

they would not charge their memory with dates or circumstances, even should they be able to fix the time, and it will be remembered that many of them state that they lost all knowledge of the days of the week and the month. Besides, they never expected to emerge from that scene alive, and never hoped that a day would come when their persecutor should be arraigned before a tribunal of justice, and they themselves be summoned as witnesses to his iniquitous acts. It is not to be expected that, under these circumstances, witnesses should evince such precision as to dates and minute particulars as might be expected in an ordinary trial for the investigation of offences disturbing but rarely the tranquillity of civilized society. A court of justice never requires higher evidence than the best of which the case will admit; for, as has well been remarked by a distinguished legal writer:

The rules of evidence are adopted for practical purposes in the administration of justice, and must be so applied as to promote the end for which they were designed. (1st Greenleaf's Evidence, sec. 83.)

But I have no apology to offer, no defence to make, for the testimony upon which the prosecution relies for the conviction of this accused under the charge now being examined.

In every case where you are asked to hold the prisoner responsible for the death of any one of those in his custody, you will find the evidence direct, positive, and clear; you are not asked to find this prisoner guilty upon vague, uncertain, doubtful testimony, but you are asked to apply the rules of evidence properly applicable to cases occurring under the peculiar circumstances to which we have alluded, always remembering that your duty is to arrive at the truth in the most direct manner possible.

Without pretending to make an argument in this connection, desiring only to aid the court in determining the fact, I will try to arrange the evidence under this branch of charge second in chronological order.

The first proof of injury by the dogs, where death resulted, was some time in the month of May, 1864. I have already cited, at some length, the testimony of the witnesses bearing upon this point, and will not recapitulate, but will merely refer the court to the witnesses. They are, William Henry Jennings,(p. 1246; manuscript, p. 545,) Bernard Corrigan, (p. 1351; manuscript, p. 598,) and James E. Marshall (p. 1714; manuscript, p. 766.)

Another case which is clearly defined in the evidence occurred about the 11th of July, and is stated with some particularity of time, place, and circumstances, by a witness whom the court must remember as one of intelligence and candor. To his testimony I call especial attention. It has already been briefly cited, but I will give his language, at greater length.

John L. Yonker, after having related the circumstances as I have before given them, goes on to narrate (p. 2186; manuscript, p. 947) the death scene of his murdered comrade, and what occurred at the time, and from all the circumstances, together with the dying declarations of the unfortunate victim, we have presented a clear case of murder.

Q. Did he (the dying man) in that same conversation say anything as to how he had been injured?

A. Yes, sir.

Q. State what he said.

A. We questioned him, and he replied, in a feeble voice, that he had got about 35 or 40 miles, and was strongly pursued by the hounds; that as he was very weak, coming out of the hospital, he tried to climb up a bush, but was pulled down by one of the hounds, and so disabled that he could proceed no further. We had to stir him up once in a while, give him a regular shaking, so that he might answer a few more questions, because he was expiring. I saw him after he was dead.

Q. When was that?

A. Just a few days before the six raiders were hung, which was on the 11th of July.

The testimony of Joseph Adler and George Conway, heretofore cited, corroborates, if that be necessary, the testimony of William Yonker.

Another case which stands out clearly in the evidence is that related by Thomas W. Way (p. 1256; manuscript, p. 552.) This witness, in company with two comrades, had made his escape. They were overtaken by the dogs. This is his testimony on that point:

Q. Do you remember anything about a soldier being torn to pieces by hounds?
A. Yes, sir; he was a young fellow, whose name I don't know; I knew him by the name of Fred. He was about 17 years old. When we heard the dogs coming, I and another prisoner who was with me, being old hands, climbed a tree. He tried to do so, but he had not got up when the hounds caught him by the foot and pulled him down; and in less than three minutes he was torn all to atoms.
Q. Was Turner there?
A. Turner was close behind; he got up just as the man was torn to pieces and secured the hounds, and we came down.
Q. Did "Fred" die?
A. Yes, sir; I should think so, he was all torn to pieces.
Q. Was any other of your number torn at the same time?
A. No, sir.
Q. When was that occurrence?
A. In the latter part of August, 1864, just before we were moved from Andersonville, which was on the 24th of August.
Q. What did Turner say at the time?
A. He said, "It is good for the son of a bitch; I wish they had torn you all three to pieces."

It would seem impossible to doubt a statement so clearly made and under circumstances calculated to impress the incident indeliby upon the mind of the witness. Corroborative of Mr .Way, however, is the testimony of Samuel [Frank] Maddox, who says, (p. 1168; manuscript, p. 513,) that Turner told him one day at the graveyard that he had let the dogs tear a man to pieces in the woods, which, from coincidence of time and circumstances, seems to be the same incident as that given by Way.

The next case of murder by dogs, and as clearly defined as any previously given, is the one related by Dr. A. W. Barrows, who was on duty in the hospital. He says, (p. 244; manuscript, p. 87:)

I remember a man making his escape from the hospital in July, and being overtaken by the hounds. A large portion of his ear was torn off, and his face mangled, and he was afterwards brought into the hospital. That man got well. This was in July or August, 1864. I do not remember the exact date. I remember also, that at the end of August, or in September, 1864, a man who had been bitten badly by the dogs, in trying to make his escape, was brought into my ward and died. The wound took on gangrene and he died. He was a Union prisoner.
Q. Was he trying to escape from the stockade, or from the hospital?
A. I am not certain.
Q. When did he die?
A. I cannot state the exact date. It was either the last of August or the fore part of September.
Q. How many days after he was torn by the dogs did he die?
A. Well, if my memory serves me right, I should say four or five days after. I know the wound took on gangrene and he died.
Q. Did he die from the effects of the wound?
A. Indirectly I think; he did not directly; it was from the effects of the gangrene.
Q. Was the gangrene manifested in the wound or elsewhere?
A. In the wound; in no other part. He was bitten through the throat, on the side of the neck, and gangrene set in and he died.
Q. Was the gangrene the result of the bite, in your opinion?
A. Yes, sir; it was.

This is confirmed by the testimony of James P. Stone, already cited. Of the facts as presented by Dr. Barrows's testimony there can be no doubt. He was an officer on duty in the rebel hospital, and is a gentleman whose credibility has in no way been doubted. It might perhaps be urged on the part of the defence that as the witness states that the death of the prisoner occurred from gangrene directly, and from the wound indirectly, the benefit of the doubt thus raised must be given to the accused. Let me remind the court

of the law governing in such cases. It is laid down in 2 Starkie's Evidence, 711, that—

> It is sufficient in law to prove that the death of the party was *accelerated* by the malicious act of the prisoner, although the former labored under a mortal disease at the time of the act. And it is sufficient to constitute murder that the party die of *the wound* given by the prisoner, although the wound was not *originally mortal*, but because so in consequence of negligence or unskilful treatment.

The evidence shows in this case that the patient died of gangrene; that the gangrenous affection was confined to the wound; that he was not so affected before the wound, but was affected immediately afterwards; that he did not die of any other disease or malady.

The fact, therefore, being clear that the death was occasioned or certainly accelerated by the wound, there is no other course left you but to find that the case stands in the same position as if the man had been killed on the spot by the dogs.

We have thus presented a classified analysis of the evidence bearing upon the charge of murder by the use of the hounds. The only defence set up under this charge is given in the statement made by the accused to the court, and is an attempt to confound the prisoner "Frenchy" with all the instances given by different witnesses; and as it was shown in the evidence of the defence that "Frenchy" did not die, you are asked to conclude that this prisoner must be acquitted of this branch of the charges.

Now, it has not been assumed at any time by the prosecution, nor was an attempt made to prove it, that the man "Frenchy," so called, was killed. The incident referred to by the defence was one occurring within plain sight of the post.

The witnesses, Heath, Castlen, and Mohan, rebel officers, testified with regard to it early in the prosecution, and made the facts so clear that it is somewhat surprising that counsel would attempt to raise a reasonable doubt in behalf of their client, by an attempt to confound this case with the numerous others so clearly and distinctly defined in the testimony. The court will bear with me a moment while I give, in this connection, a part of the prisoner's own statement of the "Frenchy" occurrence; and I give it for the reason that it discloses a fact which has been persistently denied, that the hounds used were ferocious and dangerous to human life; and for the additional reason, that it shows, from the prisoner's own admission his control over the dogs and his responsibility for whatever injury resulted from their use. The language of his statement is this:

> "Frenchy" again effected his escape by jumping into a thicket near the creek. The matter was reported to me. *I had the dogs sent for.* They soon came on his track; he took to a tree; one of the pursuing party (not I) fired a pistol close to him to induce him to come down. He was not hurt, but he dropped or fell from the tree into a mud hole, when the *dogs rushed upon him.* I jumped on the dogs and drove them off.

Here, as elsewhere, it would have been safer and wiser for the accused to have rested his case upon the evidence without attempting explanations.

In the next place, I will proceed to recite the evidence, as to cases of death from confinement in the stocks and in the chain-gang.

William Crouse (p. 1459; manuscript, p. 642) states that a few days before the raiders were hung, which was the 11th of July, a man died in the tent next to the one occupied by witness; that the death occurred the next day after being relieved from the stocks, in which he had been confined about two weeks without intermission.

George W. Gray (p. 2699; manuscript, p. 1157) testifies that he was in stocks the last of August or the first of September, and that the third man from him—a sick man—died while in them; that the negroes took him out of the stocks after he was dead and hauled him away.

Nazareth Allen (p. 744; manuscript, p. 305) states that in August, 1864, he saw a man who died in the chain-gang or stocks; he thinks it was the stocks.

Alex. Kennell (p. 1291; manuscript, p. 556) testifies that in February, 1865, a man was taken out of the stockade in the evening and put in the stocks and kept there all night, and that he died in eight hours after being released; that the man said he was chilled till he was insensible.

James P. Stone (p. 2212; manuscript, p. 956) testifies that he saw (he thinks it was some time in June) a man in the chain-gang, sick with chronic diarrhœa; that he was kept in the gang until it was impossible for him to move; that he was taken out and left at the guard-house near the stocks; the band was left on his neck and the ball on his leg, and he died with these on him.

James Culver (p. 2080; manuscript, p. 914) testifies that he saw twelve men in the chain-gang almost every day for a month or six weeks; one of them was very poorly, and looked as though he could hardly carry himself. Those in the gang complained about his being sick; he caused them a great deal of trouble by reason of his having diarrhœa. Witness afterwards saw the man out of the gang, but he still had the ball upon his legs and the band around his neck. He afterwards died in the guard-house. Witness saw the irons taken from him after he was dead. He died in three or four days after being taken out of the chain-gang. The witness thinks he died some time in July.

In connection with this some testimony given by Heath, Dillard, and Honeycutt, rebel soldiers, who were on duty at Andersonville, may be pertinently introduced.

John F. Heath (p. 780; manuscript, p. 317) testifies that in the month of August, 1864, a man was sick in the chain-gang and the gang objected to his being in it, because of his condition; that there were twelve men in the chain-gang.

William Dillard (p. 803; manuscript, p. 328) testifies that in August he guarded the chain-gang one day and night, when twelve men were in it; one of them was very low, and had to go out every five or ten minutes; that the others of the chaing-gang wanted him taken out; that when the man was taken out, he could just stand up.

Calvin Honeycutt (p. 824; manuscript, p. 336) states that he guarded the chain-gang for one or two days and nights; that one of the men was sick and the rest wanted him taken out.

John Pasque (p. 1695; manuscript, p. 757) states that some time in July he saw a man put in the chain-gang, and saw his dead body after he was taken out.

Robert Tait (p. 2650; manuscript, p. 1133) testifies that on one occasion (he does not know the date) one man was put in the chain-gang when very sick; that he remained in it for about two days; that the surgeon told the prisoner that he had better take the man out; that the prisoner gave orders to have him released; and the next morning he saw him hauled away to the graveyard.

The evidence here briefly recited presents two distinct murders by the use of the stocks and one by the chain-gang. The cases presented by William Crouse and George W. Gray (cases of death by the stocks) come directly within the general principles of law before cited. The witness Crouse, after narrating the circumstances, as heretofore briefly given, testifies as follows on cross-examination:

Q. Was there anything the matter with him besides being in the stocks?
A. No, sir; he was a hearty man before he went there.
Q. You did not see him in the stocks, outside?
A. Yes, sir; when I went out to get some medicine.
Q. How many times did you get out in that way?
A. I used to go out nearly every other day to get medicine.
Q. Was not the doctor's place close to the gate?
A. Yes, sir; about twenty feet from it, at the upper end, the southwest end.
Q. Could you see the stocks from there?
A. I could.
Q. How far was it from where you got the medicine to Captain Wirz's headquarters

A. About three hundred feet.
Q. With nothing to obstruct the view?
A. No, sir. * * * * * * *
Q. And you saw the men in the stocks for two weeks, when you went out in that way?
A. Yes, sir. * * * * * * *
Q. How was that man injured who died?
A. Weakness; he was starved.
Q. Was he not starved instead of being hurt by the stocks?
A. That was one thing that killed him.
Q. Was it not the principal thing?
A. Yes.

This occurred, as the witness states, about the time the raiders were hung. The evidence, it is true, does not present a case of death directly attributable to the stocks; but it is clear that death resulted from a conjunction of circumstances, of which the stocks was one important element, all being the result of the orders of the accused. It is immaterial whether the man died from the injuries inflicted by the stocks alone; the circumstances fully bring the case within the principle already cited, that "it is sufficient in law to prove that the death of the party was *accelerated* by the malicious act of the prisoner." The second case of this class is presented by the testimony of George W. Gray. The witness had made his escape, was caught by the dogs and returned to the prison. He testifies, (p. 2698; manuscript, p. 1157:)

I was brought back to Andersonville prison and taken to Wirz's quarters. I was ordered by him to be put in the stocks, where I remained for four days, with my feet in a block, and a lever placed over my legs, with my arms thrown back, and a chain running across the arms. I remained four days there in the sun. That was my punishment for trying to get away from the prison.
Q. Do you know anything about a person dying in the stocks?
A. I do. At the same time a young man was placed in the stocks, the third man from me. He died there. He was a little sick when he went in and he died there.
Q. Do you know his name?
A. I do not; if I heard it, I have forgotten it.
Q. When did this occur?
A. That was about the last of August or the 1st of September, 1864.
Q. Are you certain he died?
A. I am. The negroes took him out of the stocks after he was dead, threw him into the wagon and hauled him away.

This witness is strongly corroborated by the rebel soldier, Nazareth Allen, who (p. 744; manuscript, p. 305) testifies:

Q. Do you know anything about a prisoner having died in the stocks?
A. Yes, sir; one died in the chain-gang or stocks, I won't be certain which, but I think in the stocks.
Q. When was it?
A. I think some time in August, 1864.
Q. Do you know what was the state of his health when he was put in?
A. I do not know what his sickness was.
Q. What was his appearance?
A. He appeared to be sick when I saw him. I saw him only once or twice; and afterwards I saw him dead. * * * * * *
Q. How long was this man confined in the stocks?
A. I cannot say; there were several in the stocks.
Q. Do you know for what this man was placed in the stocks?
A. I do not; I think it was for trying to escape.
Q. Where were these stocks or this chain-gang with reference to Captain Wirz's headquarters?
A. They were between Captain Wirz's headquarters and the stockade.
Q. On the road you would take in going to the stockade?
A. Yes, sir.

In reference to this occurrence, Gray is so strongly corroborated by Allen that I do not deem it necessary to comment on the evidence more particularly.

There is still another case of death by the use of the stocks, to which I ask your attention, as giving, besides the fact itself, proof that these punishments

were continued until almost the time of breaking up of the prison. This is the case mentioned by Alex. Kennell, who says, (p. 1291; manuscript, p. 566 :)

I have seen them (the prisoners) put in the stocks. One special act which I know of occurred last February. In that case a man was taken out of the stockade in the evening, about 4 o'clock, and kept in the stocks all night. He was turned into the stockade the next morning at 9 o'clock, and he died in less than eight hours. He died in the stockade.

Q. What was the condition of the man when taken from the stockade?

A. He was apparently as healthy as any prisoner in the stockade.

Q. What was done with him during the night?

A. He was kept all night in the stocks, which were outside the stockade.

Q. Did he die from the effects of the stocks?

A. That was his supposition; it was a very cold night.

Q. Did you talk with that man during his dying moments?

A. Yes, sir; I talked with him an hour before he died.

Q. With what belief was he impressed?

A. He was impressed with the belief that he was chilled to death that night in the stocks.

Q. Did he expect to die?

A. He did not expect to live, from his conversation; he did not eat anything after he came into the stockade.

Q. What did he tell you?

A. He told me that he was kept in the stocks from the time he was taken out until about 8 o'clock in the morning. He was chilled so thoroughly that night that he was insensible.

Q. Did you see him after he died?

A. I helped to carry him to the gate.

Q. Did you know his name?

A. No, sir; I did not know his name; I never inquired it; he belonged to a Pennsylvania regiment.

Q. You are certain about the time?

A. I am certain that it occurred about the 15th of February, 1865.

I come now to notice the deaths resulting from confinement in the chain-gang. There is some evidence of more than one death having occurred by these means; but aside from one instance the testimony is so vague and unsatisfactory that I do not ask the court to consider it. There is one case, however, so clearly defined, so fully proved, as to admit of no doubt. This is the case, the court will readily remember, as occurring in the chain-gang of twelve. The facts in this case are given so clearly and by so many witnesses (a synopsis of whose testimony I have already presented) that the circumstances, I have no doubt, are fresh in the memory of the court; and I will therefore consume no further time by quoting particularly the evidence. The eye-witnesses of this occurrence, which seems to have been one of the most sad and cruel of the whole list, present an array of testimony which cannot be overthrown, and which there has been no attempt on the part of the defence to explain away. The witnesses fix this occurrence about the time the raiders were hung. The testimony is given by James P. Stone, (p. 2212; manuscript, p. 956;) James [Jasper] Culver, (p. 2080; manuscript, p. 914;) John F. Heath, a rebel soldier, (p. 786; manuscript, p. 317;) William Dillard, a rebel soldier, (p. 803; manuscript, p. 328;) Calvin Honeycutt, a rebel soldier, (p. 824; manuscript, p. 336;) John Pascol, [Pasque,] (p. 1695; manuscript, p. 757;) Robert Tait, (p. 2650; manuscript, p. 1133;) and James H. Davidson, (p. 933; manuscript, p. 384.)

Before proceeding to notice the evidence as to the acts of murder committed immediately under the prisoner's orders or by his own hand, allow me to remark that the court, in considering these specific acts, will hardly overlook the confirmatory evidence embraced in the testimony as to the general language and conduct of the accused towards the prisoners. I submit that his language and conduct, as exhibited in the testimony, furnish such evidence of malice as to raise a strong presumption of guilt.

Wharton, in his Criminal Law, (p. 240,) speaks of the "presumption of guilt from *declarations of intentions and threats, from which the presumption of guilt may be drawn with great strength,* when there is preliminary ground laid."

On this principle, I maintain, the numerous well-proven declarations and

threats of the accused, evincing his utter indifference whether the prisoners lived or died; nay, his desire that they should die, and his ambition to compete with rebel generals in the field by killing off as many Union soldiers as possible, are justly to be viewed as confirmatory of the evidence in regard to the specific acts of murder laid to his charge. And as similar proof of malice on his part, raising a presumption of guilt against him in reference to specific murderous acts alleged, the court will not, I think, disregard the general evidence of his brutal treatment of prisoners, exhibiting toward them a malignity of temper of which murder would be but the natural outgrowth. The conduct and the expressions of the accused, as proved throughout the whole evidence, show a vindictively malicious feeling towards the prisoners, and this general malice is sufficient to furnish probable cause for the special acts of killing testified to by the witnesses, particularly as in almost every instance of killing the act itself was accompanied by declarations indicating strongly a malicious and wilful intent.

In discussing the murders alleged to have been committed under the prisoner's direct orders, the first case that claims attention is that in which the victim was a one-legged soldier, known among the prisoners as "Chickamauga." The court will pardon me for dwelling somewhat at length on this case, as it is one of those two which the prisoner has singled out as the only cases worthy of a serious attempt at defence in connection with the charge of murder. Some of the witnesses who narrate the facts of this occurrence are S. D. Brown, (p. 457; manuscript, p. 183;) O. S. Belcher, (p. 882; manuscript, p. 361;) J. R. Achiff, (p. 1089; manuscript, p. 471;) Th. Hall, (p. 982; manuscript, p. 408;) J. Adler, (p. 1215; manuscript, p. 532;) Gottfried Brunner, (p. 1333; manuscript, p. 589;) O. B. Fairbanks, (p. 1023; manuscript, p. 430;) E. L. Kellogg, (p. 1073; manuscript, p. 460;) A. J. Spring, (p. 716; manuscript, p. 293;) C. E. Tibbles, (p. 2041; manuscript, p. 897;) J. E. Marshall, (p. 1716; manuscript, p. 767;) A. A. Kellogg, (p. 1319;) A. Henshaw, (p. 2553; manuscript, p. 1093;) Thomas N. Way, (p. 1259; manuscript, p. 554.)

The accounts of this occurrence, given by these different witnesses with greater or less particularity, are entirely consistent as to the main facts, while as to unimportant particulars there is doubtless that slight variation which always characterizes accounts given by different eye-witnesses of the same occurrence, and which, as it excludes the idea of concerted falsification, is the strongest voucher for the good faith and veracity of those who testify.

The essential facts which stand out clearly in this mass of testimony, so clearly that the prisoner himself, as I shall presently show, has been driven to a substantial admission of them, are, that a poor, demented cripple, whose imbecile condition was notorious in the stockade and among the guards, sought to be taken from the stockade that he might be protected from the indignation of some of his comrades, who charged that he had reported tunnels to the accused; that after some parleying on the part of Chickamauga with the guard, the prisoner made his appearance, when Chickamauga asked him to be taken out of the stockade, stating the reason for his request; that the prisoner refused to take him out, and ordered the guard (who had shown an unwillingness to treat the poor cripple harshly) to shoot him if he crossed the dead-line; that he did subsequently cross the dead-line, and the sentry, acting under the direct orders of the prisoner, shot him. Here, I submit, is a clear case of murder.

Before going further, it is proper to remark contradictions in the testimony of the witnesses to the Chickamauga affair appear only in the statement of the prisoner, and cannot be discovered by the closest scrutiny of the record. It is *not* a fact that two of the government witnesses represent the prisoner as having shot Chickamauga with his own hand; yet the prisoner's version of the evidence would make us believe this; and the supposed conflict of testimony is urged as an illustration of what he terms "the murky, foggy, indefinite, and contradictory testimony" of the prosecution.

I will give the prisoner's ingenious version of the testimony, and then, as contrasting romance with reality, I will present the evidence as given in the record.

The prisoner says, (p. 4770; manuscript, p. 1944:)

One witness, whom for his own sake I will not name, inasmuch as his statements must have been and were recognized by every one who heard him as undeserving the least belief, describes him ("Chickamauga") as a kind of weakly man, who, when I entered the stockade one day, wormed around me, saying that he wanted to go out in the air; whereupon Captain Wirz wheeled again, pulled out a revolver and shot him down.

Now, the sober fact is, that this witness, in describing and characterizing the prisoner who was shot, mentions no circumstance which can warrant the supposition that he intended to testify as to the Chickamauga affair. The evidence cited by the prisoner is from page 399, (manuscript, p. 150;) I read the continuation of the same narrative from page 400:

Q. Do you know who the man was that the prisoner shot?
A. He belonged to the 8th Missouri; they called him "Red" in the regiment. I knew him at Memphis.

Again I quote the prisoner's statement, (manuscript, p. 1846:)

A still different version of this transaction is given in a more laconic and reckless style by another witness, (p. 936.) I will quote it:

Q. Did you ever see Captain Wirz shoot any man?
A. Yes, sir.
Q. When?
A. About the first day of April, I think; shortly after he took command there.
Q. State the circumstances of the shooting.
A. Captain Wirz was coming in the south gate one day. A sick man, as I took him to be—a lame man—asked Captain Wirz something, and Captain Wirz turned round and shot him.

Here again no one has ever pretended that the case is identical with that of Chickamauga, the latter occurring in June and the former in April. When the evidence of the record is treated in this manner, no wonder that it becomes, in the language of the prisoner's statement, "murky, foggy, indefinite and contradictory."

It is a little remarkable, too, that after having introduced one of these witnesses as being "reckless" in his style of narration and the other as "undeserving the least belief," the prisoner in a later part of his statement dismisses them both with a concession that they were sincere in their testimony, for he says, (p. 4776; manuscript, p. 1948:)

The two men who swore they saw me shoot the prisoner with my own hand were probably led to make that statement from having seen me draw my revolver in the manner I have described.

Let me now notice the prisoner's own version of this Chickamauga affair—a version which he gives us as the solution of the so-called irreconcilable testimony of the prosecution. The facts, as the prisoner would have the court believe them, and believing, accept as his exculpation, are given in his own language in this remarkable paragraph:

Will the court permit me to make a statement which may serve to explain all these conflicting accounts of the death of poor Chickamauga? On the evning in question, the sergeant or the officer of the guard came to my quarters and stated that there was a man within the dead-line jawing with the sentry and refusing to go outside, and that there was a crowd of prisoners around him and a good deal of disturbance. I rode my horse down to the stockade, dismounted outside, and went in. There I found things as they had been described to me. I went up to Chickamauga and asked him, in a rough tone of voice, what the hell he was doing there? He said he wanted to be killed. I took my revolver in my hand, and said in a menacing manner that if that was all he wanted I would accommodate him. I scared him somewhat and he was taken outside by some of the prisoners. I then in his presence, and solely as a menace, told the sentry to shoot him if he came in again. I little thought that he would come back or that his comrades would permit him, after their hearing the order, to go once more across the forbidden line. I left the stockade, remounted my horse, and was on my way back to my quarters, when I heard the report of a musket. I hastened back and ran up to the sentry-box from which the shot had been fired. There is the simple history of the case, without any reserve or misrepresentation. The court, I am sure, will recognize all the marks and evidences of truth in it. It is consistent with itself and consistent with the average line of the testimony.

I confess that I was greatly surprised when this startling declaration was read for the first time in my hearing and in the presence of the court, three days ago. This explanation seems to me to admit so fully the guilt of the prisoner that if it were the mere hypothesis of counsel, adopted as the last resort of a desperate defence, I would decline to hold the prisoner responsible for such damning admissions, which I would be bound to believe his counsel had no authority to make. But here we have the solemn statement of the prisoner, submitted without solicitation and after due deliberation. Charged with the gravest criminality in reference to an occurrence which is attested by a score of witnesses, he volunteers his own explanation, which is taken down from his lips, revised and signed by his own hand, and read before the court in his presence, with no attempt on his part at disavowal, when the impulse which prompted such self-criminating candor had had time to give place to a circumspect reserve. Under these circumstances, I believe I am treating the prisoner with entire fairness when I ask the court to hold him responsible for his own words and let him be the witness of his own guilt. I submit that his explanation of this occurrence, so far from exculpating him, exhibits his guilt scarcely less effectively than the evidence of the prosecution.

The main fact upon which the government insists is that the prisoner ordered the guard to shoot Chickamauga if he should cross the dead-line, and that in the act of crossing it, or immediately afterwards, this wretched imbecile what shot by the sentry in obedience to the prisoner's order. This is not denied in the statement of the prisoner, but is there fully admitted. It is admitted that the prisoner (I quote his own language) "told the sentry to shoot him if he came in again;" it is admitted that this order was obeyed by the sentry, and that thus Chickamauga was killed. While conceding all this the prisoner seeks to shield himself under the allegation that the order was given "solely as a menace."

Yet he does not pretend that he gave the sentry any reason to suppose that the order was not to be obeyed; he does not pretend that the act of the sentinel in shooting was anything else than the natural obedience of a subordinate to his superior's order, which had every appearance of being imperative. When the guilty and murderous act is thus admitted, the criminal cannot seek refuge under his own allegation of an innocent intent, particularly when he acknowledges that that intent was hidden within the recesses of his own mind and found no shadowing forth at the time in words or acts, but was contradicted by both. The prisoner's allegation of an innocent intent cannot overcome the conclusive presumption of the law, that "a sane man contemplates the natural and probable consequences of his own acts." When the motive of a man arraigned for crime shall be taken from his own lips, in contradiction of the obvious tendency of his acts, courts of justice will have become obsolete. It is admitted that the order to shoot was given by the prisoner; it is admitted that that order was obeyed, and that thus "Chickamauga" lost his life. The obedience of the sentry and the death which resulted were the "natural and probable consequences" of the prisoner's self-confessed act, and as I believe that the order for the shooting of "Chickamauga" was unjustifiable and cruel, I see not how this court can do otherwise than declare that the prisoner, in this melancholy affair, incurred the guilt of murder.

Before leaving this subject, I cannot refrain from making a passing remark on the picture of the prisoner's brutality, as painted by his own hand; a picture in singular contrast with another self-portraiture embraced in the same statement. In recounting the "Chickamauga" affair, the prisoner says:

> I went up to "Chickamauga" and I asked him, in a rough tone of voice, "what the hell he was doing there?" He said he wanted to be killed. I took my revolver in my hand and said, in a menacing manner, that if that was all he wanted I would accommodate him. I scared him somewhat, and he was taken outside by some of the prisoners.

How startlingly in contrast with this has the prisoner portrayed himself in another part of his statement. This is his language:

> I do trust that this enlightened court will bear with me in my humble effort to convince it that while commandant of the prison at Andersonville I was not the monster that I have been depicted as being; that I did not cause or delight in the spectacle of the sufferings, woes and deaths of the Union prisoners; that I did not contribute to their sufferings; but that, on the contrary, I did what little lay in my power to diminish or alleviate them, and to prove that, although I have been represented as little less than a fiend, "Heaven left some remnant of the angel still in that poor jailer's nature."

We are asked to believe that these two portraitures represent one and the same person. If it be so, then unfortunate was it for poor "Chickamauga" that his untutored mind did not comprehend that that fierce seeming man, who asked him in a rough tone of voice, "What the hell are you doing here," was at that very moment yearning with compassion for his wretched condition. The poor crazy cripple little dreamed that the stern-spoken man, who, revolver in hand, said to him, "If you want to be killed I will accommodate you," was a "poor jailer," in whom the remnant of the angel was struggling to exhibit itself under great difficulties, a lover of mankind, in a very embarrassing position, but doing, as he says, "what little lay in his power to diminish or alleviate the sufferings of those around him;" a John Howard, forsooth, whose compassionate heart prompted him, as he tells you, to take out of the stockade all the drummer boys, in order that the little fellows might, in the enjoyment of purer air and healthful exercise, have a better chance of being restored to their yearning mothers and sisters at home. Alas for poor "Chickamauga," that he did not whisper in the ear of this rough-mannered philanthropist that he, too, crippled and insane though he was, had a yearning mother or sister at home. Who knows but that the suggestion might have won for "Chickamauga" a happier fate.

But the subject is too serious for satire. I submit that in the many features of this trial, showing with what abandon the prisoner gave rein to his malicious passions, the killing of poor "Chickamauga" is one of the most despicable and indefensible. The insane cripple had subjected himself to the wrath of his comrades, being led, by the promises of this accused, to turn traitor to them and disclose their means of escape. He had thrown himself upon the protection of his murderer. He had alienated himself from all his companions, while he had done everything to commend him in the sight of the accused. Yet when fleeing from the just indignation of his comrades, which was so great that he even dared to trust his life in the hands of the guards, with death staring him in the face from the sentinel and from his outraged companions, he appeals to this accused, the only man who had the power to aid him in this terrible strait—the one of all others who was under an obligation so to do—and is rudely rebuffed by the man to whom he had rendered a service—brutally repulsed with a violence of manner and language which appears as vividly in the prisoner's own version of the transaction, as in that given by the witnesses for the prosecution—and is told to go back to this mob which is crying for his blood; or that if he did not do this, but remained within the dead-line, the sentry would shoot him. It was death to "Chickamauga" whichever way he went, and this accused must have known it, and must have intended it, else he would have led him out of that horrible place. With what conscience, then, can he ask you to believe him when he tells you he did not intend the death of "Chickamauga?" This court, I submit, in view of the evidence, must hold the prisoner responsible for the death of that miserable creature.

Having presented one of these cases at some length, one which I think will admit of no doubt, I will pass hastily over the evidence bearing upon similar cases, giving a brief analysis and reference to the testimony, leaving the court to arrive at its own conclusions.

William Bull (p. 2276; manuscript, p. 977) testifies that on the 3d of June, at

the north gate, he saw a man shot; that the prisoner came in at the head of a detachment, put three guards on the stoop, and ordered them to fire at the crowd to make them fall back; that one of the guards fired, and that the ball struck the man in the stomach, who was about 15 feet distant from the witness.

W. W. Crandall [Patrick Bradley,] (p. 1904; manuscript, p. 849) states that on one occasion, he thinks it was in June, 1864, when the men were crowding around the south gate, the prisoner was there and thought they crowded too much. He ordered the sentry on the outside of the gate to fire, and repeated the order three or four distinct times. The sentry fired and killed a man who was about five feet from the dead-line.

Jacob D. Brown (p. 465; manuscript, 186) testifies that on the 27th of July he saw the prisoner in the sentry-box near the brook; some of the prisoners were there getting water, and men would accidentally reach under the dead-line. The prisoner told the sentry if any man reached through the dead-line to get water to shoot him down. He had barely said the words when a prisoner reached through, and the sentry fired; the ball taking effect in the head, killing him instantly. Witness was close to him.

Joseph Adler (p. 1211; manuscript, p. 532) testifies that some time in July the prisoner was standing in the sentry-box, when two or three men were at the brook after water; some got their hands beyond the dead-line, and the prisoner asked the sentry why he did not shoot, as it was no matter whether the man's whole body was over the dead-line or only a part of it; that if he did not shoot he would have him punished. The sentry thereupon shot the man in the right breast. He fell into the creek.

Bernard Corrigan (p. 1346; manuscript, p. 596) testifies that a few days after the raiders were hung (which was on the 11th of July) a man was shot at the south gate. "We were going," he says, "for medicine; the man had two tin cups in his hands. Wirz told the guard if he did not keep the men back he would take him off and punish him. He repeated it, saying he had a gun. Wirz turned his back and started off, and the guard fired right among the crowd and shot this man."

Joseph R. Achuff (p. 1093; manuscript, p. 473) states that in July they were carrying sick men to the gate; there was a great crowd there. The prisoner told the sentry if the men did not keep back to blow them through. The sentinel had his musket against a man's stomach, and drew back and fired, and killed a man from Pennsylvania.

Jacob D. Brown (p. 467; manuscript, p. 186) testifies that about the middle of August the prisoner ordered the sentinel to shoot men who were getting water from the brook, the men being much crowded. The sentry fired and a man was shot in the breast, the wound being fatal.

Prescott Tracey (p. 1417; manuscript, p. 627) states that in the month of August, 1864, he heard the prisoner order the shooting of a man who had just come in and did not know the rules and regulations; that he went to get a drink, and slipped and fell with his head about six inches over the dead-line; that the prisoner at the bar called to the sentry, "God damn your soul, why don't you shoot that Yankee son of a bitch?" The guard fired, the ball striking the man in the head and coming out at the back of his neck. He died in the creek. (See also evidence of Charles E. Smith, (p. 2538; manuscript, p. 1085.)

We come now to notice that class of murders committed with the prisoner's own hands. I shall here, as elsewhere, avoid all argumentation and present as briefly as possible the evidence of the witnesses, leaving the court to determine, in the light of the principles of law before mentioned, what amount of guilt attaches to this prisoner.

Your attention is called, first, to the death of a Union prisoner by beating with

a pistol over the head, as given by the witness William Willis Scott. His evidence is as follows, (p. ——; manuscript, p. 570 :)

In one case, I was coming down after a bucket of water. I belonged way up in what they called the new stockade, on the north side. Captain Wirz was coming in; a sick man was sitting on the side of the bank; he asked Captain Wirz if he could get out. Captain Wirz turned around, gave him a kind of a sour look, and said, "Yes, God damn it; I will let you out," and with the revolver he struck the fellow over the head and shoulders several times. The fellow went to his tent then. On the third morning, I think, I made it my business to go down and see him; he was dead; he had died the night before.

Q. Did you see him?

A. Yes, sir.

Q. Did he die from the effects of the beating with the pistol?

A. I suppose so. He was pretty badly bruised around the head and face.

Q. With what did Captain Wirz beat him?

A. I think it was the butt of the revolver which he had in his hand.

Q. Which hand did he use?

A. I don't remember.

Q. Did he knock the man down?

A. Yes, sir; he knocked him down the first blow.

Q. When was that?

A. I think it was about the 25th or 26th of August, 1864.

Q. Can you give the man's name?

A. No, sir; I did not inquire about that; I just came down to see if he was much the worse for his treatment; and I did not inquire any further.

This witness is uncorroborated by any testimony presented, unless the evidence given by Patrick Bradley (p. 1899; manuscript, p. 848) may refer to the same circumstance.

I leave it for the court to determine whether the accused shall be found guilty under this testimony. There are given, with certainty, time, place, and circumstance. The beating is shown to have been wanton, cruel, and malicious, and wholly unprovoked. The only element necessary to make the crime complete is the proof that death was the result of the wounds inflicted. Whether this may or may not be inferred from the circumstances as narrated by the witness, the court must be the sole judge.

The prisoner is also charged with the murder of a soldier, by stamping upon and kicking him so as to cause his death. The evidence in support of this allegation is given by Martin E. Hogan, (p. 525; manuscript, p. 216 :)

I saw Captain Wirz, at the time the prisoners were being moved from Andersonville to Millen, take a man by the coat-collar because he could not walk faster. The man was so worn out with hunger and disease, that if he had got the whole world I do not think he could move faster than he was moving. Captain Wirz wrenched him back, and stamped upon him with his boot. The man was borne past me, bleeding from his mouth or nose, I cannot say which, and he died a short time afterwards.

Q. When you speak of Captain Wirz, you mean the prisoner there?

A. I mean the man sitting there, (pointing to the prisoner.)

Q. Have you any doubt of his identity?

A. Not at all, sir; I should know him anywhere.

Q. About what month was that?

A. The prisoners commenced to move from there from the 5th to the 8th of September, 1864, and it was inside of a week from that time; it was some time in the early part of September; I cannot say within two or three days what date it was.

The character of this witness, his intelligence and his facilities for observation, must impress the court with the fact that his testimony is entitled to more than ordinary weight. It requires no exercise of imagination, nor a resort to improbabilities, to justify the conclusion of guilt, remembering the character of the accused and his many acts of cruelty, which furnish confirmatory evidence not to be overlooked.

Another murder laid to the charge of this prisoner, as perpetrated by his own hand, is described by George Conway, (p. 2240; manuscript, p. 965,) who testifies :

A. I saw a man shot one day: he came down after water; no one was allowed to put their head or any part of their body under the dead-line. This man, probably not being acquainted with the rules, as many of them were not, who came in there after the rules were read, put

his hand in under the dead-line to get a cup of water, and the cup dropped from his hand. He put his hand in under the dead-line to raise it up again, and Captain Wirz shot him, the ball taking effect in his head; he died almost instantly. (To the court.) Captain Wirz shot him; he was standing in the sentry-box.

Q. When did this occur?

A. Well, it was about the time the raiders were hung; I could not say whether it was before or after.

Q. It was about that time?

A. Yes, sir.

Q. Are you certain you recognize Captain Wirz?

A. Yes, sir.

Q. You knew him well at that time?

A. Yes, sir.

Q. Do you know what kind of a gun he had in his hand?

A. He had a revolver, I believe.

Q. You state that Captain Wirz shot him; tell the court the circumstances.

A. Those were the circumstances. He was getting a cup of water out of the brook, when the cup dropped from his hand.

Q. Do you know the name of that man?

A. I do not; I never saw the man before till I saw him that time.

Q. Did he die?

A. Yes, sir, he died?

The testimony of this witness on other points, as upon this, is clear and distinct, so much so that the counsel on cross-examination seemed to think it unnecessary to interrogate the witness with regard to this very important part of his testimony. He is uncontradicted, and must be believed.

The next instance of this kind to which your attention is called is given in the testimony of Felix De la Baum, (p. 1927 to 1933; manuscript, p. 859.) I do not desire to discriminate among witnesses, as it might imply that some are entitled to greater credit than others. Disclaiming any such intention, I still must remind the court of the character of this witness, his manner of testifying, and the air of truth and candor with which he told his story. Upon this point I give his testimony entire and without comment.

A. On the 8th of July I arrived at Andersonville, with 300 or 400 other prisoners, most of them sick and wounded. We were brought up to Captain Wirz's headquarters; were drawn up in line, four ranks deep, and kept there for a considerable length of time, without any business being transacted. The guards had orders to let none of us go to the water. One of the prisoners was attacked with epilepsy or fits; he fell down; some of his friends or neighbors standing near him ran down to the creek after water.

Q. By permission of the guard?

A. I don't know; I suppose so; because the guard was tied up by the thumbs for permitting them to do so. First I heard a shot fired, without seeing who fired it. After hearing that shot fired, I looked down to the left, and I saw Captain Wirz fire two more shots, wounding two men. One of them was carried up near his headquarters, and in my opinion he was in a dying condition.

Q. What became of the other?

A. He was wounded too; but I did not see him again.

Q. Did you ever see him afterwards?

A. No, sir.

Q. How were the men wounded?

A. The one who was carried up near the headquarters was wounded somewhere in the breast.

Q. What kind of a weapon had Captain Wirz in his hand?

A. A revolver.

Q. How near were you to him?

A. I was perhaps 20 paces distant from him; I am not positive about the distance.

Q. How far was the prisoner when he shot?

A. Not very far.

Q. You are certain you saw Captain Wirz discharge the pistol in his hand?

A. Yes, sir.

Q. Did the man who was brought up to the headquarters die?

A. I did not, myself, see him die; but he was evidently in a dying condition, judging by his appearance. I never saw him again; we were not allowed to speak to the guard, and I could not make any inquiries.

Q. Do you remember any language used by Captain Wirz on that occasion?

A. He asked the lieutenant of the guard, "Where is the guard who allowed this man to fall out of the ranks?" The guard was pointed out, and Captain Wirz ordered him to be

tied up by the thumbs for two hours. After this, Captain Wirz pointed out the man, and said, "That is the way I get rid of you damned sons of bitches."

Q. Was anything said as to the purpose for which the men left the ranks and went towards the brook?

A. I myself saw the man fall down; he had epileptic fits, and I was informed that the men ran after water for him. We had not received any water all night; they kept us all night in the cars; on the way down from Macon to Andersonville we had no water. When we passed the creek we wished to get some water, but we were not allowed to have any. We were kept at the headquarters of Captain Wirz for about two hours, without receiving a drink. We were then divided into squads and transported into the stockade.

Q. When you were ordered into the stockade, was the man who had been shot still lying there, or had he been carried out?

A. I was taken out with four other men to be put into the 71st detachment, and was shortly afterwards taken away from the headquarters into the stockade.

Q. State whether you have any means of judging whether the man died from that gunshot wound.

A. All that I can state is, that he was, in my opinion, in a dying condition. I judged so from his heaving up and down, and from his gasping for breath. I have seen many men on the battlefield in the same condition, and they always died shortly afterwards.

Q. Where was the wound?

A. The blood was running out from his breast, or the middle of his body, somewhere.

Q. Did you hear anything about it afterwards?

A. All I heard of it was from a rebel sergeant—I think his name was Colby—he said the man died.

Q. When did he tell you that?

A. Some time after I was in the stockade.

There is evidence given by Hugh R. Snee (p. 2430; manuscript, p. 1041) of a double murder committed outside the stockade, on the way from the stockade to the depot, and which occurred a little after dark, the victims being Union prisoners, who were attempting to make their escape among those going out for exchange.

The circumstances, as given by this witness, (p. 2430; manuscript, 1041,) are, that in September, 1864, when some men were going out for special exchange, there were two men belonging to an Iowa regiment who fainted between the prisoner's headquarters and the depot; they fell out of the ranks, and a man ran back and wanted to know why they came out. They said they wanted to get out of prison. A man said, "I will help you out damned soon." The witness heard six discharges from a pistol, and heard a cry as if some one was hurt. Presently a rebel officer, he thinks a lieutenant, coming along, remarked, "It was a brutal act." Some one asked him who it was, and he said, "The captain." He also said, "One of them is dead." Witness thought it was Captain Wirz's voice which he heard through the crowd, but could not state positively.

There is still other testimony of murders committed by the hand of this prisoner, as given in the testimony of Willis Van Buren (p. 1802; manuscript, p. 802) and James H. Davidson, (p. 936; manuscript, p. 386.) I desire only to call the attention of the court to the testimony of the witness Snee, and the two first named, as bearing upon this branch of the case, without venturing to express an opinion as to the guilt of the prisoner.

There is still one other case of deliberate murder by the hand of this accused. It is that related by Geerge W. Gray, (p. 2700; manuscript, p. 1158.) The court will remember that during the examination of this witness there occurred one of the most impressive episodes of this trial, which must not be overlooked or forgotten in judging of the truth or falsehood of George W. Gray's narration. He has been severely attacked by the prisoner in his statement to the court, although no contradicting evidence was introduced and no circumstances given which could raise a reasonable doubt for the benefit of this accused. I call the attention of the court to the entire evidence of this witness in relation to the occurrence. He testifies, (pp. 2700-1-2-5-6-7; manuscript, p. 1158:)

Q. Do you know anything about the prisoner having shot a prisoner of war there at any time?

A. He shot a young fellow named William Stewart, a private belonging to the 9th Min-

nesota infantry. He and I went out of the stockade with a dead body, and after laying the dead body in the dead-house, Captain Wirz rode up to us and asked by what authority we were out there. Stewart said we were there by proper authority. Wirz said no more, but drew a revolver and shot the man. After he was killed the guard took from his body about $20 or $30, and Wirz took the money from the guard and rode off, telling the guard to take me to prison.

Q. Are you sure about that?

A. If I was not I would not speak it.

Q. By whose orders did you come out with the dead body?

A. It was my determination, I don't know whether it was Stewart's or not, to get away again. For that reason we went out; we begged for the body.

Q. Do you know whether that was the time that Lieutenant Davis had something to do what the prison?

A. I recollect now that Lieutenant Davis ordered the sergeants of each detachment to detail men to carry out of the stockade the dead bodies of men belonging to that detachment.

Q. State what Captain Wirz had in his hand when he shot that soldier.

A. He had a revolver, whether a navy pistol or not I don't know; it was a large pistol.

Q. How near was he to him?

A. About eight feet from him, I think.

Q. Where did the ball take effect in your comrade?

A. In the breast. He died right there where he was shot.

Q. Were you at the time attempting to make your escape?

A. No, sir; but it was my intention to do so if I could. I was not attempting it at that time, nor was Stewart.

Q. How far were you from the dead-house?

A. About 50 yards—about half the distance from the stockade to the dead-house, a little off and to one side of it.

Q. You do not know whether Lieutenant Davis had a partial command there?

A. I think that in September Captain Wirz was relieved temporarily by Lieutenant Davis on account of ill-health, for about two weeks, probably.

Q. Of the fact of Wirz committing this particular offence you are certain?

A. I am, sir.

Q. When testifying with reference to the man on the white horse, you said something about not being able to identify him; had you any difficulty afterwards in identifying Captain Wirz?

A. The first time I knew such a man in the prison I heard Lieutenant Davis call his name at the gate. He said, "Captain Wirz come down this way." I looked at the man and asked the boys if he was not the commander of the Andersonville prison.

The judge advocate called upon the prisoner to stand up for identification.

The prisoner, who was lying on a lounge, partly raised himself, turning his face to the witness.

Q. Do you recognize that man as the person who shot your comrade?

A. That is the man.

The prisoner attempted to say something in contradiction of the witness, but was not permitted by the court. The judge advocate requested the prisoner to stand upon his feet.

The prisoner having complied with the judge advocate's request, the witness looked at him and said, "I think that is the man."

Q. The prisoner whom you have been talking about, you were in the habit of recognizing in the prison as Captain Wirz?

A. Yes.

Q. Do you recollect whether the man who shot your comrade had a foreign accent?

A. I took him to be a German or a foreigner by his talk, for this reason, when I was put in the stocks he said to me, "Gott tam you, I fix you." For that reason I took him to be a foreigner, or a Dutchman.

This impression of the scene, (one of the most remarkable occurring during the trial,) as the witness Gray confronted the murderer of his companion, was such as this court and all who were present will never forget. The witness was cautioned to be careful, and told that it was a very serious matter about which he was to speak; but there was no trepidation, no hesitation, no doubt discoverable in his manner, and I think all who heard him must have felt that he spoke only the truth when he said, "that is the man." You are told on the part of the defence that this witness is not to be believed, and among the reasons

it is urged that on cross-examination he said that he thought the prisoner rode a roan horse, while the general testimony is to the effect that the prisoner usually rode a gray mare, and that he afterwards saw him on a sorrel horse. I would remind the court that Mr. Gray is not the only person who describes the prisoner as riding a roan horse, and I need hardly remind counsel so prolific of negative evidence, that men who usually ride gray horses have been known to ride sorrel horses.

Another reason urged why Gray's story is not to be believed is, that it is improbable. A complete answer to this is found in the conduct of this accused towards the prisoners of war in his custody. No act of brutality was improbable with him, no provocation was needed, but, like the infamous Vargas, killing with him was but a pleasant recreation, and seemed the business of the hour.

Again you are told that Gray is not to be believed because he mentioned a circumstance of cruelty (the bayoneting of soldiers) which was brought out by no other witness. Is this so surprising a fact that this court must reject the whole evidence of a witness otherwise supported? This whole record has been made up, not by calling a few witnesses who narrate all that occurred at Andersonville, but by calling very many, each of whom brings with him the knowledge of facts which, from the very necessities of their surroundings, were not always in the possession of others. Gray's statement of the cruel bayoneting of our soldiers at Andersonville is entirely consistent with the treatment they met from the beginning to the end of that horrible prison.

I insist, gentlemen, that the evidence of George W. Gray is entitled to your highest consideration, and although it alone fixes upon the prisoner at the bar guilt which can only be expiated by the highest punishment known to the law, you cannot resist the proof.

I have thus, without regard to the evidence under charge first, presented the evidence under charge second, as spread upon the record, showing that this accused, while acting as commandant of the prison at Andersonville, deliberately, wantonly, and maliciously destroyed the lives of 18 prisoners of war in his custody. I confess myself too much overcome with the melancholy details of this trial and the frightful disclosures to dwell longer on so sad a theme. If this accused still answer that, admitting the facts charged, he did these things in the exercise of authority lawfully conferred upon him, and that what he did was necessary to the discipline and safety of the prisoners, I answer him in the language of Lord Mansfield, given in an important case:

> In trying the legality of acts done by military officers in the exercise of their duty, particularly beyond the seas, where cases may occur without the possibility of application for proper advice, great latitude ought to be allowed, and they ought not to suffer for a slip of form, if their intention appears, by the evidence, to have been upright. It is the same as when complaints are brought against inferior civil magistrates, such as justices of the peace, for acts done by them in the exercise of their civil duty. There the principal inquiry to be made by a court of justice is, how the heart stood, and if there appear to be nothing wrong there, great latitude will be allowed for misapprehension or mistake. But, on the other hand, if the heart is wrong, if cruelty, malice and oppression appear to have occasioned or aggravated the imprisonment, or other injury complained of, they shall not cover themselves with the thin veil of legal forms, or escape, under the cover of a justification the most technically regular, from that punishment which it is your province and your duty to inflict on so scandalous an abuse of public trust. (Wall *vs.* MacNamara.)

May it please the court, I have hastily analyzed and presented the evidence under charge second. If we have not travelled through the history of those long weary months of suffering, torture, starvation, and death, and become familiar with each day's roll of those who passed away, the mind could not contemplate this last though briefer roster of the dead without feelings of utmost horror. Mortal man has never been called to answer before a legal tribunal to a catalogue of crime like this. One shudders at the fact, and almost doubts the age we live in. I would not harrow up your minds by dwelling further upon this woeful record. The obligation you have taken constitutes you

the sole judge of both law and fact. I pray you administer the one, and decide the other, meting out to those involved in this crime of the universe all justice, without fear, favor, or partiality, and without regard to position, high or low, of those proved guilty.

N. P. CHIPMAN,
Col. and Additional Aide-de-Camp, Judge Advocate.

WIRZ'S ABILITY TO USE BOTH HIS ARMS.

OCTOBER 24, 1865.

At the request of counsel for the accused, Dr. C. M. Ford and Dr. John C. Bates made, in the presence of the court, an examination of the physical condition of the prisoner.

By consent of the judge advocate,

Dr. C. M. FORD was called as a witness for the defence, and being duly sworn, was examined as follows :

By COUNSEL :

Q. State what is your position.

A. I am acting assistant surgeon in the army of the United States, in charge of the hospital at the Old Capitol.

Q. Have you, during some time past, been in the habit of seeing the prisoner ?

A. Yes, sir; since June, I believe, ever since his imprisonment, he has been under my care when sick.

Q. Have you during that time examined his right arm, and have you examined it to-day ?

A. Yes, sir.

Q. What do you find to be the present condition of his arm ?

A. It is swollen and inflamed, ulcerated in three places ; and it has the appearance of having been broken. In addition to that, I believe that portions of both bones of the arm are dead.

Q. State your professional opinion as to the strength of his arm in its present condition ? Would he be capable with that arm of pushing or knocking down a person, or using any heavy or even a light instrument in doing so ?

A. I don't know that I can answer that question entirely. I don't know how much strength he has in the arm; but I should think him incapable of knocking a man, or lifting a very heavy instrument of any kind, without doing great injury to the arm.

Q. Have you examined also the prisoner's left shoulder ?

A. Yes, sir.

Q. State what you found to be its condition.

A. There is a very large scar on the left shoulder, and a portion—about half, I should suppose—the outer half of the muscle of the shoulder. The deltoid muscle is entirely gone—I suppose from the wound ; it has been carried away, only the front part of the muscle of the shoulder remaining.

Q. How does that influence the strength of the arm ?

A. It prevents in a great measure the action of the deltoid muscle, the use of which is to elevate the arm. It would prevent the perfect elevation of the arm. It has no influence at all on the flexion of the arm at the elbow, or striking out with the fore-arm from the elbow ; it does not have any material effect as to that.

Q. How do you find the fingers of the prisoner's right hand ?

A. I believe that two fingers, the little finger and the next, are slightly contracted ; not permanently so, I believe. I am not positive, but I think I could

straighten them. The contraction is due to the injury of the nerve leading down to the fingers.

Q. Have you examined the legs of the prisoner?

A. I have.

Q. What do you find to be their condition?

A. I find both of them covered with dark brown scars, as if they had been ulcerated at one time.

Q. Do you find traces of his having had the scurvy?

A. Yes, sir.

Q. State your professional opinion as to the bodily strength of the prisoner, so far as regards his ability to do any injury to any one?

A. He is now in a very prostrated condition; and I should not think him now capable of doing much violence to any one in the present condition of his system.

Q. Taking into consideration the general condition of his arms, legs, and bodily frame, do you think him capable of exerting himself to any extent in doing injury to anybody, pushing a man down, or anything of that kind?

A. I believe that he might push a person down, but I do not think he would be apt to exert himself to do any act of violence, because in doing that he would be very apt to do injury to himself.

By the JUDGE ADVOCATE:

Q. In what you have said, you speak of the prisoner's present condition?

A. Yes, sir.

Q. The opinion which you give has no reference to the condition in which he was a year ago?

A. No, sir.

Q. From the symptons presented, can you reason back and tell us what was his condition in 1864?

A. I should not think the right arm was any better in 1864 than it is now. The scurvy, if he was suffering from it then, might make the wound worse. Scurvy or similar disease will often cause fractures to open again after being reunited.

Q. Can you say with certainty what was the prisoner's condition a year ago?

A. I cannot; but the external appearances would indicate that there had been a very extensive injury to the bones and the tissues.

By the COURT:

Q. Can you say whether the wound has ever healed, and this is the second breaking out of it?

A. No, sir; I do not know; I first met the prisoner in June, when he came to the prison. The wound was then in very nearly the same condition as now.

The PRISONER. In 1863, my health failing, I asked a furlough to go to Europe, and received it after an examination by the chief surgeon at the hospital at Richmond. I went to Europe and had my wound operated upon at Paris. The doctor there thought that all the dead bone had come out. After spending several months in Switzerland, I returned to England, and from there to the Confederate States. On shipboard, three or four months afterwards, the wound broke open again, and has been in its present condition since February, 1864.

By consent of the judge advocate,

Dr. JOHN C. BATES, being recalled, was examined as a witness for the defence.

By COUNSEL:

Q. You have heard the opinion just given by Dr. Ford; give us your general opinion about the state of the prisoner's health.

A. I have the advantage of Dr. Ford in having seen the prisoner at Andersonville; but while there I never examined him professionally. I noticed on several occasions that he had difficulty in using his right arm. I never inquired what was the matter. As I stated some time since, he was feeble in September, 1864, and did not look like a man enjoying the best of health. The impression of some of the medical gentlemen at Andersonville (you can take it for what it is worth) was, that there was in his system a constitutional syphilitic taint. For that reason, I asked him to let me examine his shanks. There is, it seems to me, an intermingling of the scorbutic and syphilitic taint. When this first manifested itself I do not know. I agree with Dr. Ford in all that he has said; there is nothing from which I would dissent. I concur in his opinion in reference to the left shoulder, the destruction of a portion of the deltoid muscle, and also in his opinion in reference to the right arm, the inability to use it with any considerable degree of force in lifting or striking. He could not use the right arm very extensively, without injury to the bones, which are partially destroyed.

By the JUDGE ADVOCATE:

Q. May not a man disabled in the arm so that he cannot strike out straight, without danger of injury to himself, be still able to use a pistol with great effect by exercising the wrist?

A. In the case of injury or partial destruction of the main muscle of the shoulder, he might use the arm from the elbow; but the upper portion of the arm would remain partially inactive.

By COUNSEL:

Q. Would it cause the prisoner any pain if he should use a pistol or any instrument, by striking from the elbow with his right arm?

A. I should think so; considering the condition of the bones and the ulceration, it might be a serious injury to them.

FINDINGS AND SENTENCE.

The court, being cleared for deliberation, and having maturely considered the evidence adduced, find the accused, Henry Wirz, as follows:

Of the specification to charge I, "guilty," after amending said specification to read as follows:

In this, that he, the said Henry Wirz, did combine, confederate, and conspire with them, the said Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, W. Shelby Reed, R. R. Stevenson, S. P. Moore, ——— Kerr, late hospital steward at Andersonville, James Duncan, Wesley W. Turner, Benjamin Harris, and others whose names are unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States, maliciously, traitorously, and in violation of the laws of war, to impair and injure the health and to destroy the lives, by subjecting to torture and great suffering, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter and to the dews and burning suns of summer, by compelling the use of impure water, and by furnishing insufficient and unwholesome food, of large numbers of federal prisoners, to wit, the number of about forty-five thousand soldiers in the military service of the United States of America, held as prisoners of war at Andersonville, in the State of Georgia, within the lines of the so-called Confederate States, on or before the 27th day of March, A. D. 1864, and at divers times between that day and the 10th day of April, A. D. 1865, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might be aided and comforted; and he, the said Henry Wirz, an officer in the military service of the so-called Confederate States, being then and there commandant of a military prison at

Andersonville, in the State of Georgia, located by authority of the so-called Confederate States, for the confinement of prisoners of war, and, as such commandant, fully clothed with authority, and in duty bound, to treat, care, and provide for such prisoners, held as aforesaid, as were or might be placed in his custody, according to the law of war, did, in furtherance of such combination, confederation, and conspiracy, maliciously, wickedly and traitorously confine a large number of prisoners of war, soldiers in the military service of the United States, to the number of about forty-five thousand men, in unhealthy and unwholesome quarters, in a close and small area of ground, wholly inadequate to their wants and destructive to their health, which he well knew and intended; and while there so confined, during the time aforesaid, did, in furtherance of his evil design and in aid of the said conspiracy, wilfully and maliciously neglect to furnish tents, barracks, or other shelter, sufficient for their protection from the inclemency of winter and the dews and burning sun of summer; and with such evil intent did take and cause to be taken from them their clothing, blankets, camp equipage and other property of which they were possessed at the time of being placed in his custody; and with like malice and evil intent did refuse to furnish or cause to be furnished food either of a quality or quantity sufficient to preserve health and sustain life; and did refuse and neglect to furnish wood sufficient for cooking in summer and to keep the said prisoners warm in winter, and did compel the said prisoners to subsist upon unwholesome food, and that in limited quantities, entirely inadequate to sustain health, which he well knew; and did compel the said prisoners to use unwholesome water, reeking with the filth and garbage of the prison and prison-guard, and the offal and drainage of the cook-house of said prison; whereby the prisoners became greatly reduced in their bodily strength and emaciated and injured in their bodily health; their minds impaired and their intellects broken; and many of them, to wit, about the number of ten thousand, whose names are unknown, sickened and died by reason thereof, which he, the said Henry Wirz, then and there well knew and intended; and so knowing and evily intending, did refuse and neglect to provide proper lodgings, food, or nourishment for the sick, and necessary medicine and medical attendance for the restoration of their health, and did knowingly, wilfully and maliciously, in furtherance of his evil designs, permit them to languish and die from want of care and proper treatment; and the said Henry Wirz, still pursuing his evil purposes, did permit to remain in the said prison, among the emaciated sick and languishing living, the bodies of the dead, until they became corrupt and loathsome, and filled the air with fetid and noxious exhalations, and thereby greatly increased the unwholesomeness of the prison, insomuch that great numbers of said prisoners, whose names are unknown, sickened and died by reason thereof. And the said Henry Wirz, still pursuing his wicked and cruel purpose, wholly disregarding the usages of civilized warfare, did at the time and place aforesaid maliciously and wilfully subject the prisoners aforesaid to cruel, unusual and infamous punishment, upon slight, trivial and fictitious pretences, by fastening large balls of iron to their feet, and binding numbers of the prisoners aforesaid closely together with large chains around their necks and feet, so that they walked with the greatest difficulty; and being so confined, were subjected to the burning rays of the sun, often without food or drink, for hours and even days, from which said cruel treatment numbers whose names are unknown sickened, fainted, and died; and he, the said Wirz, did further cruelly treat and injure said prisoners by maliciously tying them up by the thumbs, and wilfully confining them within an instrument of torture called the stocks, thus depriving them of the use of their limbs, and forcing them to lie, sit, and stand for many hours without the power of changing position, and being without food or drink, in consequence of which many, whose names are unknown, sickened and died; and he, the said Wirz, still wickedly pursuing his evil purpose, did establish and cause to be designated, within the prison enclosure con-

taining said prisoners, a "dead-line," being a line around the inner face of the stockade or wall, enclosing said prison, and about 25 feet distant from and within said stockade; and having so established said dead-line, which was in some places an imaginary line, and in other places marked by insecure and shifting strips of boards, nailed upon the top of small and insecure stakes or posts, he, the said Wirz, instructed the prison guard stationed around the top of said stockade to fire upon and kill any of the prisoners aforesaid who might fall upon, pass over or under or cross the said dead-line, pursuant to which said orders and instructions, maliciously and needlessly given by said Wirz, the said prison guard did fire upon and kill a number of said prisoners; and the said Wirz, still pursuing his evil purpose, did keep and use ferocious and blood-thirsty dogs, dangerous to human life, to hunt down prisoners of war aforesaid who made their escape from his custody; and did, then and there, wilfully and maliciously suffer, incite and encourage the said dogs to seize, tear, mangle, and maim the bodies and limbs of said fugitive prisoners of war, which the said dogs, incited as aforesaid, then and there did, whereby a number of said prisoners of war who, during the time aforesaid, made their escape and were recaptured, died; and the said Wirz, still pursuing his wicked purpose, and still aiding in carrying out said conspiracy, did cause to be used for the pretented purposes of vaccination impure and poisonous vaccine matter, which said impure and poisonous matter was then and there, by the direction and order of said Wirz, maliciously, cruelly, and wickedly, deposited in the arms of many of said prisoners, by reason of which large numbers of them lost the use of their arms, and many of them were so injured that they soon thereafter died; all of which he, the said Henry Wirz, well knew and maliciously intended, and, in aid of the then existing rebellion against the United States, with the view to assist in weakening and impairing the armies of the United States, and in furtherance of the said conspiracy, and with the full knowledge, consent, and connivance of his co-conspirators aforesaid, he, the said Wirz, then and there did.

Of charge I, "guilty," after amending said charge to read as follows:

Maliciously, wilfully and traitorously, and in aid of the then existing armed rebellion against the United States of America, on or before the 27th day of March, A. D. 1864, and on divers other days between that day and the tenth day of April, 1865, combining, confederating and conspiring together with Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, W. Shelby Reed, R. R. Stevenson, S. P. Moore, —— Kerr, late hospital steward at Andersonville, James Duncan, Wesley W. Turner, Benjamin Harris and others unknown, to injure the health and destroy the lives of soldiers in the military service of the United States, then held and being prisoners of war within the lines of the so-called Confederate States and in the military prisons thereof, to the end that the armies of the United States might be weakened and impaired; in violation of the laws and customs of war.

Of specification first to the charge II, "guilty," adding the words "or about" immediately before the phrase "the ninth day of July."

Of specification second to charge II, "guilty,"

Of specification third to charge II, "guilty," after striking out "June," and inserting instead "September."

Of specification four to charge II, "not guilty."

Of specification five to charge II, "guilty," after striking out the phrase "on the thirtieth day," and inserting instead the phrase, "on or about the twenty-fifth day."

Of specification six to charge II, "guilty," after striking out the word "first," and inserting "fifteenth," and also striking out the phrase "on the sixth day," and inserting instead the phrase "on or about the sixteenth day."

Of specification seven to charge II, "guilty," after striking out the word

"twentieth," and inserting instead the word "first," and also after inserting "or about" immediately before the phrase "the twenty-fifth day."

Of specification eight to charge II, "guilty."

Of specification nine to charge II, "guilty."

Of specification ten to charge II, "not guilty."

Of specification eleven to charge II, "guilty," after striking out the word "first," and inserting instead the word "sixth;" after striking out also the phrase "incite and urge" and the phrase "encouragement and instigation," and by adding the words "or about" after the word "on," where it last occurs in the specification; and also after striking out the phrase "animals called bloodhounds," and inserting the word "dogs;" and also striking out the word "bloodhounds" where it afterwards occurs, and inserting the word "dogs;" and also striking out the words "given by him."

Of specification twelve to charge II, "guilty."

Of specification thirteen to charge II, "not guilty."

Of the second charge, "guilty."

And the court do therefore sentence him, the said Henry Wirz, to be hanged by the neck till he be dead, at such time and place as the President of the United States may direct, two-thirds of the members of the court concurring herein.

LEW. WALLACE,
Major General and President Com.

N. P. CHIPMAN,
Col. and Add. A. D. C., Judge Advocate.

And the court also find the prisoner, Henry Wirz, guilty of having caused the death, in manner as alleged in specification eleven to charge II, by means of dogs, of three prisoners of war in his custody and soldiers of the United States, one occurring on or about the 15th day of May, 1864; another occurring on or about the 11th day of July, 1864; another occurring on or about the 1st day of September, 1864, but which finding as here expressed has not and did not enter into the sentence of the court as before given.

LEW. WALLACE,
Major General and President of Com.

N. P. CHIPMAN,
Col. and Add. A. D. C., Judge Advocate.

REPORT OF THE JUDGE ADVOCATE GENERAL.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
October 31, 1865.

To the PRESIDENT:

Henry Wirz was tried by a military commission, convened at Washington, D. C., on the 23d day of August, 1865, by order of the President of the United States, on the following charges and specifications.

[Here follow the charges and specifications.]

Upon being arraigned, the prisoner's counsel submitted the following pleas: 1st. That he ought not to be held or tried, for any cause, by the government of the United States, because, according to the terms of the surrender of the rebel General Johnson, under whose command he was serving at the time, it was agreed that all officers and men should be permitted to return to their homes, not to be disturbed by the United States authorities so long as they observed their obligations and the laws in force where they resided. 2d. That he should not be held to trial, or in custody, because, at the time of his arrest he was in the enjoyment of his liberty, and was promised by Captain Noyes, of Major Gen-

eral Wilson's staff, that he should not be held as a prisoner, but that after giving such verbal information to General Wilson as he was able, he should have a safe conduct to his home, which promise was violated. 3d That the commission had no jurisdiction to try him for the offences charged; also, that he had been on the 21st of August arraigned and put on trial before the same tribunal on the same charges, and could not be tried or "put to answer" a second time therefor. Also, that the charges and specifications were too vague and indefinite, and did not make out an offence, punishable by the laws of war.

All these pleas were discussed at length on both sides, and were, after deliberation, properly overruled by the commission.

A plea of "not guilty" to both charges and specifications thereto was then made by the prisoner.

The investigation of the matters alleged against the prisoner then commenced, and continued until the 21st day of October, during which time 148 witnesses for the prosecution and defence were examined, and a large amount of documentary evidence found in the official papers captured at Andersonville, and among the rebel archives at Richmond, was introduced.

One of the counsel for the defence then asked for an adjournment of two weeks at least to enable him to prepare an argument.

The commission first decided to adjourn ten days, and upon his further petition, twelve days, for this purpose. He, however, declared that it was insufficient time, and thereupon announced that he would submit the case without remark. After an adjournment of four days, an elaborate statement of the prisoner was submitted, which was prepared by him, with the aid of an able assistant, (the chief reporter of the trial, who shows himself familiar with all the material facts,) which goes over the whole case in explanation of certain acts averred, and in denial of the proof or truth of all the others.

The closing address of the judge advocate immediately followed; and thereafter the court, it appears, having maturely considered the evidence adduced, found the accused, Henry Wirz, as follows:

[Here follow the findings and sentence of the court.]

It is not necessary for the purposes of this review to go into an elaborate discussion of the question involved in the findings on the first charge. From the document of the proceedings, containing more than 500 pages, presenting a mass of evidence bearing upon these questions, no brief summary can be made which would do justice to the subject. The argument of the judge advocate sets forth an able and exhaustive examination of the material legal points raised and proof established by the trial, and forms a part of the record. It may be relied on as giving a full and just exposition of the matters which entered into the deliberations of the court, and, as particularly applicable to this branch of the case, reference is respectfully invited to pages 4838 to 5148. The opinion is expressed that the conspiracy, as described in the findings above recited, was clearly made out, and that the conclusions arrived at by the court could not, in the light of the evidence this records contains, have been avoided.

Language fails in an attempt to denounce, even in faint terrors, the diabolical combination for the destruction and death, by cruel and fiendishly ingenious processes, of helpless prisoners of war who might fall into their hands, which this record shows was plotted and deliberately entered upon, and, as far as time permitted, accomplished by the rebel authorities and their brutal underlings at Andersonville prison. Criminal history presents no parallel to this monstrous conspiracy, and from the whole catalogue of infamous devices within reach of human hands, a system for the murder of men more revolting in its details could not have been planned. Upon the heads of those named by the court in its findings the guilt of this immeasurable crime is fixed, a guilt so fearfully black and horrible, that the civilized world must be appalled by the spectacle.

There remains yet to be noticed the matter involved in the second charge. The homicides alleged to have been committed under this charge, and which the court found were committed, are of four classes: First. Those cases of death which resulted from the biting of dogs. (Specification II.) Second. Cases of death which resulted from confinement in the stocks and chain-gang. (Specifications 5, 6, 7.) Third. Cases of prisoners killed by guards, pursuant to *direct* orders of Wirz, given at the time. (Specifications 8, 9, 12.) Fourth. Cases of prisoners killed by Wirz's own hand. (Specifications 1, 2, 3.)

That all the deaths embraced in these four clases resulted from the causes and in the manner set forth in the specifications, is conceived to be very clearly established by the evidence adduced by the prosecution, and it is not deemed necessary, in the absence of any contradictory testimony directly bearing on these instances, to recite the evidence applicable to each, except, it may be, briefly, that relating to the fourth class, (Specifications 1, 2, 3,) and some acts of a similar character.

The testimony supporting the first specification is that of Felix de la Baume, a Union soldier, who states, that on or about the 8th of July, 1864, he was one of a detachment of prisoners taken to Wirz's headquarters to be enrolled, before being sent into the prison; that one of his comrades was attacked with epilepsy, and some of his companions, by permission of the guard, ran to the creek for water; that he, the witness, heard a shot fired, and, on turning, saw Wirz fire two more, wounding two prisoners, one of whom the witness never saw nor heard of afterwards; and the other of whom he saw carried up to Wirz's headquarters, in a dying condition, the wound being in the breast.

There is also the testimony of George Conway, who states, that on or about the 11th of July, 1864, he saw Wirz shoot a Union prisoner within the stockade as he was stooping to pick up his cup, which had fallen under the dead-line, and that the man died almost instantly.

Which of these two cases (either being, it is conceived, sufficient to sustain the allegation) the court relied on, does not, of course, appear.

In support of the second specification, Martin E. Hogan testifies, that some time in September, when the prisoners were being removed from Andersonville to Millen, he saw Wirz take a prisoner, who was worn out with hunger and disease, by the coat-collar, and, because he could not walk faster, wrench him back and stamp upon him with his boots; that the man was borne past him (witness) bleeding from his mouth and nose, and died in a short time.

The third specification is supported by the testimony of George W. Gray, who states, that about the middle of September, 1864, he and a comrade named William Stewart, a private belonging to a Minnesota regiment, went out of the stockade, in charge of a guard, to carry a dead body, and that after laying it in the dead-house they were on their way back to the stockade, when Wirz rode up to them and asked, "by what authority they were out there;" that Stewart replied, they were out there by proper authority; whereupon Wirz drew his revolver and shot Stewart, the ball taking effect in his breast and killing him instantly; and that the guard then took from his body some twenty or thirty dollars, which Wirz received and rode away.

Further evidence in regard to Wirz killing certain prisoners was presented, but the dates given by the witnesses show the murders to have been other than those alleged in the specifications. They will be referred to as illustrating the character of the prisoner, and establishing a frequency and repetition of like crimes.

James H. Davidson testified, that in April, as he remembered, Wirz came into the stockade one day, and a lame man went up to him and asked him a question, whereupon Wirz "*turned around*" *and shot him*, and he died.

Thomas C. Alcoke states that one day (the witness seems to have no knowledge or recollection of dates) Wirz came into the stockade and a man asked of

him permission to go out and get some fresh air; that Wirz asked him what he meant, and that after a few more words had passed between them, Wirz "*wheeled around*," pulled out a revolver *and shot him down*, the ball taking effect in his breast, and death occurring about three hours afterwards. It also appears by this witness, that when he remonstrated, Wirz told him he "had better look out, or he would be put in the same place," and that soon after Wirz came in with a guard and put him in irons.

Hugh R. Snee testified, that some time in September, 1864, a party of Union prisoners were to be exchanged under an arrangement between General Sherman and the rebel Hood; that they were taken from the stockade after dark, as the heat in the day was so great that the men would have fainted; that none but able-bodied men were selected, it being stated when they were called out, that any one who could not walk 18 miles a day would be shot; that notwithstanding this, the men were so anxious to escape imprisonment that some too weak to perform the day's travel came out. The witness states that three, who belonged to some western regiments, were able to go but a short distance, before they fainted and fell out of the ranks, and were pushed one side by the guard; that thereupon a man ran back, and speaking in a voice he *thought at the time to be that of Captain Wirz*, wanted to know why they were there; that they replied, they wished to get out of prison; whereupon this man said, "I'll help you out, God damn you." Witness then heard six pistol-shots, followed by a cry as if some one was hurt, "and immediately after, a rebel lieutenant came past remarking that it was a brutal act;" "that one of them was dead," and when asked "who did it," replied, "the *captain*."

The most prominent features of the defence under this second charge will now be considered:

An attempt was made to prove that during the whole of August and parts of July and September the prisoner was sick and confined to his bed, and could not have committed the crimes charged to him in those months. In his statement to the court, however, he made no reference to his absence—doubtless for the reason that the testimony was of too general and loose a character to set up as contradictory to the explicit statements of numerous witnesses as to the dates when the crimes recorded in the finding were committed, corroborated as those statements were, by official papers, bearing his signature, showing that at different times during those months he was in the performance of his ordinary functions as commandant of the prison.

It was claimed that deaths resulting from the use of dogs, in the capture of escaped prisoners, were not crimes fastened upon Wirz, he not being present at the pursuit and therefore not responsible. But it appears to have been the fact that this use of dogs was under Wirz's special direction; that the pursuit of prisoners was in many instances initiated under his immediate orders, and in some cases captures were made under his personal supervision. It was also clearly proved that a part of each pack were ferocious dogs, dangerous to life, so as to make it probable that the men on whose track they were sent would be killed. A man overtaken by these beasts, and desiring to surrender, could not, by coming to a stand, save his life; the instinct of the dogs was for human blood, and to surrender to them was death. A most shocking illustration will be given. Two soldiers had escaped, but were overtaken; the party who captured them returned with but one, (who was so mangled that he died,) and the chief of the party, known as Turner, exulted in accounting for the other, stating that they allowed the dogs to tear him in pieces, and left him in the woods.

As applying to the question of criminal responsibility involved in this class of homicides, the judge advocate referred the court to the well settled principle of law, that it is not essential that the hand of the party should be the immediate occasion of the death, but that if it be shown that means were used likely to

occasion death, and which did so occasion it, the party using such means is to be held responsible for the consequences.

There is but one of this class of homicides which enters into the findings of "guilty," under this charge. A discussion of the legal points involved is conceived to be needless, inasmuch as the charge is sustained by a conviction on nine other distinct allegations of murder.

As to the deaths resulting from the use of stocks and chain-gangs, the defence urged that the men were placed therein for the purposes of discipline; that they were commonly used for such purposes, and that their use at this place was attributed to those higher in authority than Wirz, to whose orders he was subject. Upon this point it is to be observed that prisoners were put in these instruments of torture as punishment for having escaped, or having made attempts to escape from their captors, which attempts, whether successful or not, it was their right and duty as prisoners of war to make. Any punishment inflicted upon them, therefore, by their captors was a violation of the laws of war, and deaths resulting from such unlawful punishment are murders. This would be the judgment of the law apart from some of the peculiar circumstances which surround these crimes, and which so decidedly indicate their true character, prominent among which is the often declared animus of the prisoner, showing conclusively that in these and kindred barbarities he was deliberately seeking to sacrifice the lives of his victims. It was shown that these stocks and chain-gangs were under Wirz's immediate and direct control; that he exercised full authority in committing prisoners to both. While it may be and probably is the fact that his action in this matter was sanctioned by the rebel Winder when he was on duty at that place, it does not relieve the prisoner of responsibility for the result.

Relating to the three homicides embraced in the third class, the prisoner makes no special defence, except as to the killing of the man known as Chickamauga. He urges in his final statement, that his order to the guard to shoot this man was only intended as a menace. It is clear, however, from the testimony, that his order in this case, as in the others, was peremptory, and, according to his own version, it was not a command that could be construed by any subordinate as merely a menace; moreover, it was distinctly proved to have been accompanied by a threat that he would shoot the guard if the guard did not shoot this crippled soldier. He states further, and it is so found by the record, that this poor man desired to be killed, it would seem, because he was suspected by his comrades of having given information to the prison-keepers of some attempts of prisoners to escape from the stockade. This fact, however, in no degree palliates his murderous guilt.

Of the homicides embraced in the fourth class (those committed directly by his own hands) the prisoner's statement notices but one, that of Stewart, sworn to by the witness Gray. It is asserted that the testimony of this witness is a pure fabrication. There is nothing found in the examination of the record which casts a doubt on his veracity, and the court seem to have discovered nothing in his manner on the stand to raise the question of his credibility.

As to all those cases not heretofore specially mentioned, the defence insists that the allegations were too vague and indefinite, and that the testimony is insufficient to sustain them, and also that it is altogether improbable that such murders could have been committed without coming to the knowledge of various witnesses, who stated that they had never heard of such crimes at Andersonville. No evidence being submitted which contradicts the concurrent and explicit statements of the witnesses who gave positive testimony of their perpetration, these murders are fastened to Wirz's hands.

Many points were raised by both sides relating to the admission of evidence as the trial progressed. These were fully debated at the time. No discussion of them here is deemed necessary, it not being found that competent proof

material to the prisoner's defence on the specific offences of which the court pronounced him guilty was excluded.

Much latitude seems to have been given him. He was allowed to show special acts of kindness to prisoners, and to introduce declarations made by himself in explanation of his acts. Letters and official reports, and oral testimony of his personal efforts, offered as indicating his interest in, and a care for, the comfort of the prisoners, were also admitted. It is shown that every witness asked for by the defence was subpœnaed, except certain rebel functionaries, who, for reasons stated at the time, did not appear on the stand. But the judge advocate proposed that if the counsel for the defence would set forth, according to the common rule by affidavit, *what* he expected and *had reason to believe* any witness who did not so appear *would* testify, it would be admitted of record that such witness would so testify. This proposition was not accepted. One hundred and six witnesses were subpœnaed for the defence, of whom 68 reported, but 39 of these, many of them soldiers of our army, and sufferers at Andersonville, were discharged by the prisoner's counsel without being put upon the stand.

A review of the proceedings leads to the opinion that no prejudice to the legal rights of the prisoner can be successfully claimed to have resulted from any decision which excluded testimony he desired to introduce. The trial is believed to have been conducted in accordance with the regulations governing military courts, and the record presents no error which can be held to invalidate the proceedings.

The annals of our race present nowhere and at no time a darker field of crime than that of Andersonville, and it is fortunate for the interests alike of public justice and of historic truth, that from this field the veil has been so faithfully and so completely lifted. All the horrors of this pandemonium of the rebellion are laid bare to us in the broad, steady light of the testimony of some 150 witnesses who spoke what they had seen and heard and suffered, and whose evidence, given under oath and subjected to cross-examination and to every other test which human experience has devised for the ascertainment of truth, must be accepted as affording an immovable foundation for the sentence pronounced.

The proof under the second charge shows that some of our soldiers, for mere attempts to escape from their oppressors, were given to ferocious dogs to be torn in pieces; that others were confined in stocks and chains till life yielded to the torture, and that others were wantonly shot down at Wirz's bidding or by his own hand. Here in the presence of these pitiless murders of unarmed and helpless men, so distinctly alleged and proved, justice might well claim the prisoner's life. There remain, however, to be contemplated crimes yet more revolting, for which he and his co-conspirators must be held responsible. The Andersonville prison records (made exhibits in this case) contain a roster of over thirteen thousand (13,000) dead, buried naked, maimed, and putrid, in one vast sepulchre. Of these, a surgeon of the rebel army who was on duty at this prison, testifies that at least three-fourths died of the treatment inflicted on them while in confinement; and a surgeon of our own army, who was a prisoner there, states that four-fifths died from this cause. Under this proof, which has not been assailed, nearly 10,000, if not more, of these deaths must be charged directly to the account of Wirz and his associates. This widespread sacrifice of life was not made suddenly or under the influence of wild, ungovernable passion, but was accomplished slowly and deliberately, by packing upwards of 30,000 men, like cattle, in a fetid pen—a mere cesspool, there to die for need of air to breathe, for want of ground on which to lie, from lack of shelter from sun and rain, and from the slow, agonizing processes of starvation; when air and space and shelter and food were all within the ready gift of their tormenters. This work of death seems to have been a saturnalia of enjoyment for the prisoner, who amid these savage orgies evidenced such exultation and mingled with them such nameless blasphemy and ribald jests, as at times to exhibit him rather as

a demon than a man. It was his continual boast that by these barbarities he was destroying more Union soldiers than rebel generals were butchering on the battle-field. He claimed to be doing the work of the rebellion, and faithfully, in all his murderous cruelty and baseness, did he represent its spirit. It is by looking upon the cemeteries which have been filled from Libby, Belle isle, Salisbury, Florence, and Andersonville, and other rebel prisons, and recalling the prolonged sufferings of the patriots who are sleeping there, that we can best understand the inner and real life of the rebellion, and the hellish criminality and brutality of the traitors who maintained it. For such crimes human power is absolutely impotent to enforce any adequate atonement.

It may be added, in conclusion, that the court before whicht he prisoner was tried was composed of officers high in rank, and eminent for their faithful services and probity of character, and that several of them were distinguished for their legal attainments. The investigation of the case was conducted throughout with patience and impartiality, and the conclusion reached is one from which the overwhelming volume of testimony left no escape. It is recommended that the sentence be executed.

J. HOLT,
Judge Advocate General.

ORDER OF THE PRESIDENT.

[General Court-martial Orders No. 607.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, November 6, 1865.

I. Before a military commission which convened at Washington, D. C., August 23, 1865, pursuant to paragraph 3, Special Orders No. 453, dated August 23, 1865, and paragraph 13, Special Orders No. 524, dated October 2, 1865, War Department, Adjutant General's Office, Washington, and of which Major General Lewis Wallace, United States volunteers, is president, was arraigned and tried Henry Wirz.

[Here follow the charges, specifications, findings, and sentence.]

* * * * * * *

II. The proceedings, findings, and sentence in the foregoing case having been submitted to the President of the United States, the following are his orders:

EXECUTIVE MANSION, *November* 3, 1865.

The proceedings, findings, and sentence of the court in the within case are approved, and it is ordered that the sentence be carried into execution, by the officer commanding the department of Washington, on Friday, the 10th day of November, 1865, between the hours of 6 o'clock a. m. and 12 o'clock noon.

ANDREW JOHNSON, *President.*

III. Major General C. C. Augur, commanding the department of Washington, is commanded to cause the foregoing sentence, in the case of Henry Wirz, to be duly executed, in accordance with the President's order.

IV. The military commission, of which Major General Lewis Wallace, United States volunteers, is president, is hereby dissolved.

By command of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

LETTER OF THE COMMANDING GENERAL DEPARTMENT OF WASHINGTON, REPORTING THE EXECUTION AND BURIAL OF HENRY WIRZ.

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Washington, D. C., November 11, 1865.

SIR: I have the honor to report that the sentence and orders of the President in the case of Henry Wirz, as promulgated in General Court-martial Orders No. 607, dated War Department, Adjutant General's Office, Washington, November 6, 1865, have been duly executed (between the hours of 10 and 11 a. m.) yesterday, November 10, and his body has been interred by the side of Atzerodt, in the arsenal grounds.

I am, general, very respectfully, your obedient servant,

C. C. AUGUR,
Major Gen. Vols., Commanding Department.

The ADJUTANT GENERAL *of the Army.*

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